

these MEP Centers help fulfill one of the top priorities stated in the Administration's budget: "revitalize the economy and create jobs." MEP helps small manufacturers stay competitive and, in 2000, helped these businesses attain \$2.3 billion in increased or retained sales, save costs of \$480 million, and create or retain more than 25,000 jobs.

While the time remaining in this session is short, I want to introduce this NIST Authorization bill to stimulate the productive dialog that we have had with interested members and the Administration on the programs of NIST. I look forward to continuing this work during the 108th Congress.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 359—RECOGNIZING THE IMPORTANCE AND ACCOMPLISHMENTS OF THE THURGOOD MARSHALL SCHOLARSHIP FUND

Mr. HOLLINGS (for himself, Mr. SCHUMER, and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 359

Whereas in 1987, the Thurgood Marshall Scholarship Fund was founded, under the leadership of Dr. N. Joyce Payne, in conjunction with its founding corporate sponsors, Miller Brewing Corporation and the National Basketball Association;

Whereas since its inception, the Thurgood Marshall Scholarship Fund has provided more than \$20,000,000 in scholarships and programmatic support to students attending the 45 historically Black public colleges and universities (including 5 historically Black law schools) that make up the fund's membership;

Whereas the Thurgood Marshall Scholarship Fund is the only national organization to provide merit scholarships and programmatic and capacity-building support to 45 historically Black public colleges and universities;

Whereas the Thurgood Marshall Scholarship Fund was created to bridge the technological, financial, and programmatic gaps between historically Black public and private colleges and universities;

Whereas the 45 member institutions of the Thurgood Marshall Scholarship Fund are a critical source of public higher education for African Americans, with more than 215,000 students at the institutions;

Whereas more than 77 percent of all students enrolled in historically Black colleges and universities attend member institutions of the Thurgood Marshall Scholarship Fund;

Whereas the legacy and commitment to education of the Thurgood Marshall Scholarship Fund centers on a foundation of preparing a new generation of leaders;

Whereas the Thurgood Marshall Scholarship Fund continues to provide students quality academic instruction in a positive learning environment while promoting equal opportunity in higher education; and

Whereas October 2002 marks the 15th anniversary of the Thurgood Marshall Scholarship Fund: Now, therefore, be it

*Resolved*, That the Senate—

(1) fully supports the goals and ideals of the Thurgood Marshall Scholarship Fund; and

(2) salutes and acknowledges the Thurgood Marshall Scholarship Fund and its vigorous and persistent efforts in support of equal opportunity in higher education.

#### SENATE RESOLUTION 360—CONGRATULATING FORMER PRESIDENT JIMMY CARTER FOR BEING AWARDED THE 2002 NOBEL PEACE PRIZE, AND COMMENDING HIM FOR HIS LIFETIME OF DEDICATION TO PEACE

Mr. DODD (for himself, Mrs. FEINSTEIN, Mr. MILLER, Mr. CLELAND, Mr. DASCHLE, Mr. REID, Mrs. CLINTON, and Mr. AKAKA) submitted the following resolution; which was considered and agreed to:

S. RES. 360

Whereas in 1978, President Carter personally negotiated with Egyptian President Anwar Sadat and Israeli Prime Minister Menachem Begin to reach the Camp David Accords, the cornerstone of all subsequent peace efforts in the Middle East;

Whereas President Carter completed negotiations on the Strategic Arms Limitation Talks II (SALT II) and continued to make strategic arms control a focus of United States security policy;

Whereas President Carter emphasized the importance of human rights as a key element of United States foreign policy;

Whereas former President Carter and his wife Rosalynn established the Carter Center in 1982;

Whereas the Carter Center has taken an active and vital role in world affairs, always seeking to improve human rights, promote democracy, resolve conflicts, and enhance the lives of the people of the world;

Whereas former President Carter has made countless trips abroad to promote peace, democracy, and human rights, including visits to East Timor, North Korea, Cuba, Haiti, Nicaragua, and Mexico, among many others; and

Whereas former President Carter has made the promotion of peace, democracy, and human rights his life's work: Now, therefore be it

*Resolved*, That the Senate recognizes and congratulates former President Jimmy Carter for being awarded the 2002 Nobel Peace Prize and commends him for his tireless work for and dedication to peace.

#### SENATE CONCURRENT RESOLUTION 159—TO CORRECT THE ENROLLMENT OF S. 1843

Mr. BINGAMAN (for himself and Mr. MURKOWSKI) submitted the following concurrent resolution, which was considered and agreed to:

S. CON. RES. 159

*Resolved by the Senate (the House of Representatives concurring)*, That in the enrollment of the bill (S. 1843) To extend certain hydro-electric licenses in the State of Alaska the Secretary of the Senate is hereby authorized and directed, in the enrollment of the said bill, to make the following corrections, namely:

In subsection (c), delete "3 consecutive 2-year time periods." and insert "one 2-year time period."

#### AMENDMENTS SUBMITTED & PROPOSED

SA 4970. Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 695, to

establish the Oil Region National Heritage Area.

SA 4971. Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill S. 941, to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to extend the term of the advisory commission for the recreation area, and for other purposes.

SA 4972. Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill S. 1894, to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.

SA 4973. Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 980, an act to establish the Moccasin Bend National Archeological District in the State of Tennessee as a unit of Chickamauga and Chattanooga National Military Park.

SA 4974. Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 37, to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails.

SA 4975. Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill S. 198, to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

SA 4976. Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill S. 2670, to establish Institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems.

SA 4977. Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill S. 2222, to resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation, and for other purposes.

SA 4978. Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill S. 2556, to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho.

#### TEXT OF AMENDMENTS

**SA 4970.** Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 695, to establish the Oil Region National Heritage Area; as follows:

1. On page 44, line 22, strike "Act" and insert "title".
2. On page 45, line 11, strike "Act:" and insert "title:"
3. Beginning on page 99, line 13, insert the following:

TITLE IX—CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA

#### SEC. 901. SHORT TITLE.

This title may be cited as the "Crossroads of the American Revolution National Heritage Area Act of 2002".

#### SEC. 902. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the State of New Jersey was critically important during the American Revolution because of the strategic location of the State between the British armies headquartered in New York City, New York, and the Continental Congress in the city of Philadelphia, Pennsylvania;

(2) General George Washington spent almost half of the period of the American Revolution personally commanding troops of the Continental Army in the State of New Jersey, including two severe winters spent in encampments in the area that is now Morristown National Historical Park, a unit of the National Park System;

(3) it was during the ten crucial days of the American Revolution between December 25, 1776, and January 3, 1777, that General Washington, after retreating across the State of New Jersey from the State of New York to the State of Pennsylvania in the face of total defeat, recrossed the Delaware River on the night of December 25, 1776, and went on to win crucial battles at Trenton and Princeton in the State of New Jersey;

(4) Thomas Paine, who accompanied the troops during the retreat, described the events during those days as "the times that try men's souls";

(5) the sites of 296 military engagements are located in the State of New Jersey, including—

(A) several important battles of the American Revolution that were significant to the outcome of the American Revolution and the history of the United States; and

(B) several national historic landmarks, including Washington's Crossing, the Old Trenton Barracks, and Princeton, Monmouth and Red Bank Battlefields;

(6) additional national historic landmarks in the State of New Jersey include the homes of—

(A) Richard Stockton, Joseph Hewes, John Witherspoon, and Francis Hopkinson, signers of the Declaration of Independence;

(B) Elias Boudinout, President of the Continental Congress; and

(C) William Livingston, patriot and Governor of the State of New Jersey from 1776 to 1790;

(7) portions of the landscapes important to the strategies of the British and Continental armies, including waterways, mountains, farms, wetlands, villages, and roadways—

(A) retain the integrity of the period of the American Revolution; and

(B) offer outstanding opportunities for conservation, education, and recreation;

(8) the National Register of Historic Places lists 251 buildings and sites in the National Park Service study area for the Crossroads of the American Revolution that are associated with the period of the American Revolution;

(9) civilian populations residing in the State of New Jersey during the American Revolution suffered extreme hardships because of the continuous conflict in the State and marauding contingents of loyalist Tories and rebel sympathizers;

(10) because of the important role that the State of New Jersey played in the successful outcome of the American Revolution, there is a Federal interest in developing a regional framework to assist the State of New Jersey, local governments and organizations, and private citizens in—

(A) preserving and protecting cultural, historic, and natural resources of the period; and

(B) bringing recognition to those resources for the educational and recreational benefit of the present and future generations of citizens of the United States; and

(11) the National Park Service has conducted a national heritage area feasibility study in the State of New Jersey that demonstrates that there is a sufficient assemblage of nationally distinctive cultural, historic, and natural resources necessary to establish the Crossroads of the American Revolution National Heritage Area.

(b) **PURPOSES.**—The purposes of this title are—

(1) to assist communities, organizations, and citizens in the State of New Jersey in preserving the special historic identity of the State and the importance of the State to the United States;

(2) to foster a close working relationship among all levels of government, the private sector, and local communities in the State;

(3) to provide for the management, preservation, protection, and interpretation of the cultural, historic, and natural resources of the State for the educational and inspirational benefit of future generations;

(4) to strengthen the value of Morristown National Historical Park as an asset to the State by—

(A) establishing a network of related historic resources, protected landscapes, educational opportunities, and events depicting the landscape of the State of New Jersey during the American Revolution; and

(B) establishing partnerships between Morristown National Historical Park and other public and privately owned resources in the Heritage Area that represent the fulcrum of the American Revolution; and

(5) to authorize Federal financial and technical assistance for the purposes described in paragraphs (1) through (4).

#### **SEC. 903. DEFINITIONS.**

In this title:

(1) **ASSOCIATION.**—The term "Association" means the Crossroads of the American Revolution Association, Inc., a nonprofit corporation in the State.

(2) **HERITAGE AREA.**—The term "Heritage Area" means the Crossroads of the American Revolution National Heritage Area established by section 904(a).

(3) **MANAGEMENT ENTITY.**—The term "management entity" means the management entity for the Heritage Area designated by section 904(d).

(4) **MANAGEMENT PLAN.**—The term "management plan" means the management plan for the Heritage Area developed under section 905.

(5) **MAP.**—The term "map" means the map entitled "Crossroads of the American Revolution National Heritage Area", numbered CRREL 80,000, and dated April 2002.

(6) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(7) **STATE.**—The term "State" means the State of New Jersey.

#### **SEC. 904. CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA.**

(a) **ESTABLISHMENT.**—There is established in the State the Crossroads of the American Revolution National Heritage Area.

(b) **BOUNDARIES.**—The Heritage Area shall consist of the land and water within the boundaries of the Heritage Area, as depicted on the map.

(c) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) **MANAGEMENT ENTITY.**—The Association shall be the management entity for the Heritage Area.

#### **SEC. 905. MANAGEMENT PLAN.**

(a) **IN GENERAL.**—Not later than 3 years after the date on which funds are first made available to carry out this title, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area.

(b) **REQUIREMENTS.**—The management plan shall—

(1) include comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans;

(3) describe actions that units of local government, private organizations, and individ-

uals have agreed to take to protect the cultural, historic, and natural resources of the Heritage Area;

(4) identify existing and potential sources of funding for the protection, management, and development of the Heritage Area during the first 5 years of implementation of the management plan; and

(5) include—

(A) an inventory of the cultural, educational, historic, natural, recreational, and scenic resources of the Heritage Area relating to the themes of the Heritage Area that should be restored, managed, or developed;

(B) recommendations of policies and strategies for resource management that result in—

(i) application of appropriate land and water management techniques; and

(ii) development of intergovernmental and interagency cooperative agreements to protect the cultural, educational, historic, natural, recreational, and scenic resources of the Heritage Area;

(C) a program of implementation of the management plan that includes for the first 5 years of implementation—

(i) plans for resource protection, restoration, construction; and

(ii) specific commitments for implementation that have been made by the management entity or any government, organization, or individual;

(D) an analysis of and recommendations for ways in which Federal, State, and local programs, including programs of the National Park Service, may be best coordinated to promote the purposes of this title; and

(E) an interpretive plan for the Heritage Area.

#### **(c) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.**

(1) **IN GENERAL.**—Not later than 90 days after the date of receipt of the management plan under subsection (a), the Secretary shall approve or disapprove the management plan.

(2) **CRITERIA.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the Board of Directors of the management entity is representative of the diverse interests of the Heritage Area, including—

(i) governments;

(ii) natural and historic resource protection organizations;

(iii) educational institutions;

(iv) businesses; and

(v) recreational organizations;

(B) the management entity provided adequate opportunity for public and governmental involvement in the preparation of the management plan, including public hearings;

(C) the resource protection and interpretation strategies in the management plan would adequately protect the cultural, historic, and natural resources of the Heritage Area; and

(D) the Secretary has received adequate assurances from the appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the management plan.

(3) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves the management plan under paragraph (1), the Secretary shall—

(A) advise the management entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 60 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

#### **(d) AMENDMENTS.**

(1) **IN GENERAL.**—The Secretary shall approve or disapprove each amendment to the

management plan that the Secretary determines may make a substantial change to the management plan.

(2) **USE OF FUNDS.**—Funds made available under this title shall not be expended by the management entity to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

(e) **IMPLEMENTATION.**—On completion of the 3-year period described in subsection (a), any funding made available under this title shall be made available to the management entity only for implementation of the approved management plan.

**SEC. 906. AUTHORITIES, DUTIES, AND PROHIBITIONS APPLICABLE TO THE MANAGEMENT ENTITY.**

(a) **AUTHORITIES.**—For purposes of preparing and implementing the management plan, the management entity may use funds made available under this title to—

(1) make grants to, provide technical assistance to, and enter into cooperative agreements with, the State (including a political subdivision thereof), a nonprofit organization, or any other person;

(2) hire and compensate staff, including individuals with expertise in—

(A) cultural, historic, or natural resource protection; or

(B) heritage programming;

(3) obtain funds or services from any source (including a Federal law or program);

(4) contract for goods or services; and

(5) support any other activity

(A) that furthers the purposes of the Heritage Area; and

(B) that is consistent with the management plan.

(b) **DUTIES.**—In addition to developing the management plan, the management entity shall

(1) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for cultural, historic, and natural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings that are located in the Heritage Area and related to the themes of the Heritage Area;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are installed throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(2) in preparing and implementing the management plan, consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area;

(3) conduct public meetings at least semi-annually regarding the development and implementation of the management plan;

(4) for any fiscal year for which Federal funds are received under this title

(A) submit to the Secretary a report that describes for the year

(i) the accomplishments of the management entity;

(ii) the expenses and income of the management entity; and

(iii) each entity to which a grant was made;

(B) make available for audit all information relating to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing expenditures of Federal funds by any entity, that the receiving entity make available for audit all records and other information relating to the expenditure of the funds; and

(5) encourage, by appropriate means, economic viability that is consistent with the purposes of the Heritage Area; and

(6) maintain headquarters for the management entity in Mercer County.

(c) **Prohibition on the Acquisition of Real Property.**

(1) **FEDERAL FUNDS.**—The management entity shall not use Federal funds made available under this title to acquire real property or any interest in real property.

(2) **OTHER FUNDS.**—Notwithstanding paragraph (1), the management entity may acquire real property or an interest in real property using any other source of funding, including other Federal funding.

**SEC. 907. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.**

(a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

(1) **IN GENERAL.**—On the request of the management entity, the Secretary may provide technical and financial assistance to the Heritage Area for the development and implementation of the management plan.

(2) **PRIORITY FOR ASSISTANCE.**—In providing assistance under paragraph (1), the Secretary shall give priority to actions that assist in—

(A) conserving the significant cultural, historic, natural, and scenic resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) **Preservation of Historic Properties.**—To carry out the purposes of this title, the Secretary may provide assistance to a State or local government or nonprofit organization to provide for the appropriate treatment of

(A) historic objects; or

(B) structures that are listed or eligible for listing on the National Register of Historic Places.

(4) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with the management entity and other public or private entities to carry out this subsection.

(b) **OTHER FEDERAL AGENCIES.**—Any Federal agency conducting or supporting an activity that directly affects the Heritage Area shall—

(1) consult with the Secretary and the management entity regarding the activity;

(2) cooperate with the Secretary and the management entity in carrying out the activity, and to the maximum extent practicable, coordinate the activity with the carrying out of its duties; and

(3) to the maximum extent practicable, conduct the activity to avoid adverse effects on the Heritage Area.

**SEC. 908. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this title \$10,000,000, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) **COST-SHARING REQUIREMENT.**—The Federal share of the cost of any activity assisted under this title shall be not more than 50 percent.

**SEC. 909. TERMINATION OF AUTHORITY.**

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this title.

**TITLE X NATIONAL AVIATION HERITAGE AREA**

**SEC. 1001. SHORT TITLE.**

This title may be cited as the “National Aviation Heritage Area Act”.

**SEC. 1002. FINDINGS AND PURPOSE.**

(a) **FINDINGS.**—Congress finds the following:

(1) Few technological advances have transformed the world or our Nation's economy, society, culture, and national character as the development of powered flight.

(2) The industrial, cultural, and natural heritage legacies of the aviation and aerospace industry in the State of Ohio are nationally significant.

(3) Dayton, Ohio, and other defined areas where the development of the airplane and aerospace technology established our Nation's leadership in both civil and military aeronautics and astronautics set the foundation for the 20th Century to be an American Century.

(4) Wright-Patterson Air Force Base in Dayton, Ohio, is the birthplace, the home, and an integral part of the future of aerospace.

(5) The economic strength of our Nation is connected integrally to the vitality of the aviation and aerospace industry, which is responsible for an estimated 11,200,000 American jobs.

(6) The industrial and cultural heritage of the aviation and aerospace industry in the State of Ohio includes the social history and living cultural traditions of several generations.

(7) The Department of the Interior is responsible for protecting and interpreting the Nation's cultural and historic resources, and there are significant examples of these resources within Ohio to merit the involvement of the Federal Government to develop programs and projects in cooperation with the Aviation Heritage Foundation, Incorporated, the State of Ohio, and other local and governmental entities to adequately conserve, protect, and interpret this heritage for the educational and recreational benefit of this and future generations of Americans, while providing opportunities for education and revitalization.

(8) Since the enactment of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102-419), partnerships among the Federal, State, and local governments and the private sector have greatly assisted the development and preservation of the historic aviation resources in the Miami Valley.

(9) An aviation heritage area centered in Southwest Ohio is a suitable and feasible management option to increase collaboration, promote heritage tourism, and build on the established partnerships among Ohio's historic aviation resources and related sites.

(10) A critical level of collaboration among the historic aviation resources in Southwest Ohio cannot be achieved without a congressionally established national heritage area and the support of the National Park Service and other Federal agencies which own significant historic aviation-related sites in Ohio.

(11) The Aviation Heritage Foundation, Incorporated, would be an appropriate management entity to oversee the development of the National Aviation Heritage Area.

(12) Five National Park Service and Dayton Aviation Heritage Commission studies and planning documents: “Study of Alternatives: Dayton's Aviation Heritage”, “Dayton Aviation Heritage National Historical Park Suitability/Feasibility Study”, “Dayton Aviation Heritage General Management Plan”, “Dayton Historic Resources Preservation and Development Plan”, and Heritage Area Concept Study (in progress), demonstrated that sufficient historical resources exist to establish the National Aviation Heritage Area.

(13) With the advent of the 100th anniversary of the first powered flight in 2003, it is recognized that the preservation of properties nationally significant in the history of

aviation is an important goal for the future education of Americans.

(14) Local governments, the State of Ohio, and private sector interests have embraced the heritage area concept and desire to enter into a partnership with the Federal government to preserve, protect, and develop the Heritage Area for public benefit.

(15) The National Aviation Heritage Area would complement and enhance the aviation-related resources within the National Park Service, especially the Dayton Aviation Heritage National Historical Park, Ohio.

(b) **PURPOSE.**—The purpose of this title is to establish the Heritage Area to—

(1) encourage and facilitate collaboration among the facilities, sites, organizations, governmental entities, and educational institutions within the Heritage Area to promote heritage tourism and to develop educational and cultural programs for the public;

(2) preserve and interpret for the educational and inspirational benefit of present and future generations the unique and significant contributions to our national heritage of certain historic and cultural lands, structures, facilities, and sites within the National Aviation Heritage Area;

(3) encourage within the National Aviation Heritage Area a broad range of economic opportunities enhancing the quality of life for present and future generations;

(4) provide a management framework to assist the State of Ohio, its political subdivisions, other areas, and private organizations, or combinations thereof, in preparing and implementing an integrated Management Plan to conserve their aviation heritage and in developing policies and programs that will preserve, enhance, and interpret the cultural, historical, natural, recreation, and scenic resources of the Heritage Area; and

(5) authorize the Secretary to provide financial and technical assistance to the State of Ohio, its political subdivisions, and private organizations, or combinations thereof, in preparing and implementing the private Management Plan.

#### **SEC. 1003. DEFINITIONS.**

For purposes of this title:

(1) **BOARD.**—The term “Board” means the Board of Directors of the Foundation.

(2) **FINANCIAL ASSISTANCE.**—The term “financial assistance” means funds appropriated by Congress and made available to the management entity for the purpose of preparing and implementing the Management Plan.

(3) **HERITAGE AREA.**—The term “Heritage Area” means the National Aviation Heritage Area established by section 1004 to receive, distribute, and account for Federal funds appropriated for the purpose of this title.

(4) **MANAGEMENT PLAN.**—The term “Management Plan” means the management plan for the Heritage Area developed under section 1006.

(5) **MANAGEMENT ENTITY.**—The term “management entity” means the Aviation Heritage Foundation, Incorporated (a nonprofit corporation established under the laws of the State of Ohio).

(6) **PARTNER.**—The term “partner” means a Federal, State, or local governmental entity, organization, private industry, educational institution, or individual involved in promoting the conservation and preservation of the cultural and natural resources of the Heritage Area.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(8) **TECHNICAL ASSISTANCE.**—The term “technical assistance” means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary.

#### **SEC. 1004. NATIONAL AVIATION HERITAGE AREA.**

(a) **ESTABLISHMENT.**—There is established in the States of Ohio and Indiana, the National Aviation Heritage Area.

(b) **BOUNDARIES.**—The Heritage Area shall include the following:

(1) A core area consisting of resources in Montgomery, Greene, Warren, Miami, Clark, and Champaign Counties in Ohio.

(2) The Neil Armstrong Air & Space Museum, Wapakoneta, Ohio, and the Wilbur Wright Birthplace and Museum, Millville, Indiana.

(3) Sites, buildings, and districts within the core area recommended by the Management Plan.

(c) **MAP.**—A map of the Heritage Area shall be included in the Management Plan. The map shall be on file in the appropriate offices of the National Park Service, Department of the Interior.

(d) **MANAGEMENT ENTITY.**—The management entity for the Heritage Area shall be the Aviation Heritage Foundation.

#### **SEC. 1005. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.**

(a) **AUTHORITIES.**—For purposes of implementing the Management Plan, the management entity may use Federal funds made available through this title to—

(1) make grants to, and enter into cooperative agreements with, the State of Ohio and political subdivisions of that State, private organizations, or any person;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) **DUTIES.**—The management entity shall—

(1) develop and submit to the Secretary for approval the proposed Management Plan in accordance with section 1006;

(2) give priority to implementing actions set forth in the Management Plan, including taking steps to assist units of government and nonprofit organizations in preserving resources within the Heritage Area and encouraging local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the Management Plan;

(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area in developing and implementing the Management Plan;

(4) maintain a collaboration among the partners to promote heritage tourism and to assist partners to develop educational and cultural programs for the public;

(5) encourage economic viability in the Heritage Area consistent with the goals of the Management Plan;

(6) assist units of government and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area; and

(D) restoring historic buildings that relate to the purposes of the Heritage Area;

(7) assist units of government and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are placed throughout the Heritage Area;

(8) conduct public meetings at least quarterly regarding the implementation of the Management Plan;

(9) submit substantial amendments to the Management Plan to the Secretary for the approval of the Secretary; and

(10) for any year in which Federal funds have been received under this title—

(A) submit an annual report to the Secretary that sets forth the accomplishments of the management entity and its expenses and income;

(B) make available to the Secretary for audit all records relating to the expenditure of such funds and any matching funds; and

(C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of such funds.

(c) **USE OF FEDERAL FUNDS.**—

(1) **IN GENERAL.**—The management entity shall not use Federal funds received under this title to acquire real property or an interest in real property.

(2) **OTHER SOURCES.**—Nothing in this title precludes the management entity from using Federal funds from other sources for authorized purposes.

#### **SEC. 1006. MANAGEMENT PLAN.**

(a) **PREPARATION OF PLAN.**—Not later than 3 years after the date of enactment of this title, the management entity shall submit to the Secretary for approval a proposed Management Plan that shall take into consideration State and local plans and involve residents, public agencies, and private organizations in the Heritage Area.

(b) **CONTENTS.**—The Management Plan shall incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the Heritage Area and shall include the following:

(1) An inventory of the resources contained in the core area of the Heritage Area, including the Dayton Aviation Heritage Historical Park, the sites, buildings, and districts listed in section 202 of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102-419), and any other property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, or maintained because of its significance.

(2) An assessment of cultural landscapes within the Heritage Area.

(3) Provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with the purposes of this title.

(4) An interpretation plan for the Heritage Area.

(5) A program for implementation of the Management Plan by the management entity, including the following:

(A) Facilitating ongoing collaboration among the partners to promote heritage tourism and to develop educational and cultural programs for the public.

(B) Assisting partners planning for restoration and construction.

(C) Specific commitments of the partners for the first 5 years of operation.

(6) The identification of sources of funding for implementing the plan.

(7) A description and evaluation of the management entity, including its membership and organizational structure.

(C) **DISQUALIFICATION FROM FUNDING.**—If a proposed Management Plan is not submitted to the Secretary within 3 years of the date of the enactment of this title, the management entity shall be ineligible to receive additional funding under this title until the date on which the Secretary receives the proposed Management Plan.

(d) **APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.**—The Secretary, in consultation with the State of Ohio, shall approve or disapprove the proposed Management Plan submitted under this title not later than 90 days after receiving such proposed Management Plan.

(e) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves a proposed Management Plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed Management Plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(f) **APPROVAL OF AMENDMENTS.**—The Secretary shall review and approve substantial amendments to the Management Plan. Funds appropriated under this title may not be expended to implement any changes made by such amendment until the Secretary approves the amendment.

**SEC. 1007. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.**

(a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—Upon the request of the management entity, the Secretary may provide technical assistance, on a reimbursable or non-reimbursable basis, and financial assistance to the Heritage Area to develop and implement the management plan. The Secretary is authorized to enter into cooperative agreements with the management entity and other public or private entities for this purpose. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(1) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(b) **DUTIES OF OTHER FEDERAL AGENCIES.**—Any Federal agency conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this title;

(3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(4) to the maximum extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the Heritage Area.

**SEC. 1008. COORDINATION BETWEEN THE SECRETARY AND THE SECRETARY OF DEFENSE AND THE ADMINISTRATOR OF NASA.**

The decisions concerning the execution of this title as it applies to properties under the control of the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall be made by such Secretary or such Administrator, in consultation with the Secretary of the Interior.

**SEC. 1009. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—To carry out this title there is authorized to be appropriated \$10,000,000, except that not more than \$1,000,000 may be appropriated to carry out this title for any fiscal year.

(b) **50 PERCENT MATCH.**—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent.

**SEC. 1010. SUNSET PROVISION.**

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this title.

**SEC. 1011. STUDY.**

(a) **IN GENERAL.**—The Secretary shall conduct a special resource study updating the study required under section 104 of the Dayton Aviation Heritage Preservation Act of

1992 (Public Law 102-419) and detailing alternatives for incorporating the Wright Company factory as a unit of Dayton Aviation Heritage National Historical Park.

(b) **CONTENTS.**—The study shall include an analysis of alternatives for including the Wright Company factory as a unit of Dayton Aviation Heritage National Historical Park that detail management and development options and costs.

(c) **CONSULTATION.**—In conducting the study, the Secretary shall consult with the Delphi Corporation, the Dayton Aviation Heritage Commission, the Aviation Heritage Foundation, State and local agencies, and other interested parties in the area.

**SEC. 1012. REPORT.**

Not later than 3 years after funds are first made available for this title, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study conducted under section 1011.

**TITLE XI—CHAMPLAIN VALLEY NATIONAL HERITAGE PARTNERSHIP**

**SECTION 1101. SHORT TITLE.**

This title may be cited as the “Champlain Valley National Heritage Partnership Act of 2002”.

**SEC. 1102. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress finds that—

(1) the Champlain Valley and its extensive cultural and natural resources have played a significant role in the history of the United States and the individual States of Vermont and New York;

(2) archeological evidence indicates that the Champlain Valley has been inhabited by humans since the last retreat of the glaciers, with the Native Americans living in the area at the time of European discovery being primarily of Iroquois and Algonquin descent;

(3) the linked waterways of the Champlain Valley, including the Richelieu River in Canada, played a unique and significant role in the establishment and development of the United States and Canada through several distinct eras, including—

(A) the era of European exploration, during which Samuel de Champlain and other explorers used the waterways as a means of access through the wilderness;

(B) the era of military campaigns, including highly significant military campaigns of the French and Indian War, the American Revolution, and the War of 1812; and

(C) the era of maritime commerce, during which canals boats, schooners, and steamships formed the backbone of commercial transportation for the region;

(4) those unique and significant eras are best described by the theme “The Making of Nations and Corridors of Commerce”;

(5) the artifacts are structures associated with those eras are unusually well-preserved;

(6) the Champlain Valley is recognized as having one of the richest collections of historical resources in North America;

(7) the history and cultural heritage of the Champlain Valley are shared with Canada and the Province of Quebec;

(8) there are benefits in celebrating and promoting this mutual heritage;

(9) tourism is among the most important industries in the Champlain Valley, and heritage tourism in particular plays a significant role in the economy of the Champlain Valley;

(10) it is important to enhance heritage tourism in the Champlain Valley while ensuring that increased visitation will not impair the historical and cultural resources of the region;

(11) according to the 1999 report of the National Park Service entitled “Champlain Valley Heritage Corridor Project”, “the

Champlain Valley contains resources and represents a theme ‘The Making of Nations and Corridors of Commerce’, that is of outstanding importance in H.S. history”; and

(12) it is in the interest of the United States to preserve and interpret the historical and cultural resources of the Champlain Valley for the education and benefit of present and future generations.

(b) **PURPOSES.**—The purposes of this title are—

(1) to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York to recognize the importance of the historical, cultural, and recreational resources of the Champlain Valley region to the United States;

(2) to assist the State of Vermont and New York, including units of local government and non-governmental organizations in the States, in preserving, protecting, and interpreting those resources for the benefit of the people of the United States;

(3) to use those resources and the theme “The Making of Nations and Corridors of Commerce” to—

(A) revitalize the economy of communities in the Champlain Valley; and

(B) generate and sustain increased levels of tourism in the Champlain Valley;

(4) to encourage—

(A) partnerships among State and local governments and non-governmental organizations in the United States; and

(B) collaboration with Canada and the Province of Quebec to—

(i) interpret and promote the history of the waterways of the Champlain Valley region;

(ii) form stronger bonds between the United States and Canada; and

(iii) promote the international aspects of the Champlain Valley region; and

(5) to provide financial and technical assistance for the purposes described in paragraphs (1) through (4).

**SEC. 1103. DEFINITIONS.**

In this title:

(1) **HERITAGE PARTNERSHIP.**—The term “Heritage Partnership” means the Champlain Valley National Heritage Partnership established by section 1104(a).

(2) **MANAGEMENT ENTITY.**—The term “management entity” means the Lake Champlain Basin Program.

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan developed under section 1104(b)(B)(i).

(4) **REGION.**—

(A) **IN GENERAL.**—The term “region” means any area or community in one of the States in which a physical, cultural, or historical resource that represents the theme is located.

(B) **INCLUSIONS.**—The term “region” includes—

(i) the linked navigable waterways of—

(I) Lake Champlain;

(II) Lake George;

(III) the Champlain Canal; and

(IV) the portion of the Upper Hudson River extending south to Saratoga;

(ii) portions of Grand Isle, Franklin, Chittenden, Addison, Rutland, and Bennington Counties in the State of Vermont; and

(iii) portions of Clinton, Essex, Warren, Saratoga and Washington Counties in the State of New York.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(6) **STATE.**—The term “State” means—

(A) the State of Vermont; and

(B) the State of New York.

(7) **THEME.**—The term “theme” means the theme “The Making of Nations and Corridors of Commerce”, as the term is used in the 1999 report of the National Park Service entitled

"Champlain Valley Heritage Corridor Project", that describes the periods of international conflict and maritime commerce during which the region played a unique and significant role in the development of the United States and Canada.

#### SEC. 1104. HERITAGE PARTNERSHIP.

(a) ESTABLISHMENT.—There is established in the region the Champlain Valley National Heritage Partnership.

(b) MANAGEMENT ENTITY.—

(1) DUTIES.—

(A) IN GENERAL.—The management entity shall implement the title.

(B) MANAGEMENT PLAN.—(i) Not later than 3 years after the date of enactment of this title, the management entity shall develop a management plan for the Heritage Partnership.

(ii) EXISTING PLAN.—Pending the completion and approval of the management plan, the management entity may implement the provisions of this title based on its federally authorized plan "Opportunities for Action, an Evolving Plan For Lake Champlain".

(iii) CONTENTS.—The management plan shall include—

(I) recommendations for funding, managing, and developing the Heritage Partnership;

(II) a description of activities to be carried out by public and private organizations to protect the resources of the Heritage Partnership;

(III) a list of specific, potential sources of funding for the protection, management, and development of the Heritage Partnership;

(IV) an assessment of the organizational capacity of the management entity to achieve the goals for implementation; and

(V) recommendations of ways in which to encourage collaboration with Canada and the Province of Quebec in implementing this title.

(iv) CONSIDERATIONS.—In developing the management plan under clause (i), the management entity shall take into consideration existing Federal, State, and local plans relating to the region.

(v) SUBMISSION TO SECRETARY FOR APPROVAL.—

(I) IN GENERAL.—Not later than 3 years after the date of enactment of this title, the management entity shall submit the management plan to the Secretary for approval.

(II) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (I), the Secretary shall not provide any additional funding under this title until a management plan for the Heritage Partnership is submitted to the Secretary.

(vi) APPROVAL.—Not later than 90 days after receiving the management plan submitted under subparagraph (v), the Secretary, in consultation with the States, shall approve or disapprove the management plan.

(vii) ACTION FOLLOWING DISAPPROVAL.—

(I) IN GENERAL.—If the Secretary disapproves a management plan under subparagraph (vi), the Secretary shall—

(aa) advise the management entity in writing of the reasons for the disapproval;

(bb) make recommendations for revisions to the management plan; and

(cc) allow the management entity to submit to the Secretary revisions to the management plan.

(II) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (vi)(I)(cc), the Secretary shall approve or disapprove the revision.

(viii) AMENDMENT.—

(I) IN GENERAL.—After approval by the Secretary of the management plan, the management entity shall periodically

(aa) review the management plan; and

(bb) submit to the Secretary, for review and approval by the Secretary, the recommendations of the management entity for any amendments to the management plan that the management entity considers to be appropriate.

(II) EXPENDITURE OF FUNDS.—No funds made available under this title shall be used to implement any amendment proposed by the management entity under subparagraph (viii)(1) until the Secretary approves the amendments.

(2) PARTNERSHIPS.—

(A) IN GENERAL.—In carrying out this title, the management entity may enter into partnerships with—

(i) the States, including units of local governments in the States;

(ii) non-governmental organizations;

(iii) Indian Tribes; and

(iv) other persons in the Heritage Partnership.

(B) GRANTS.—Subject to the availability of funds, the management entity may provide grants to partners under subparagraph (A) to assist in implementing this title.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this title to acquire real property or any interest in real property.

(c) ASSISTANCE FROM SECRETARY.—To carry out the purposes of this title, the Secretary may provide technical and financial assistance to the management entity.

#### SEC. 1105. SAVINGS PROVISIONS.

Nothing in this title—

(1) grants powers of zoning or land use to the management entity;

(2) modifies, enlarges, or diminishes the authority of the Federal Government or a State or local government to manage or regulate any use of land under any law (including regulations); or

(3) obstructs or limits private business development activities or resource development activities.

#### SEC. 1106. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title not more than a total of \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of any activities carried out using Federal funds made available under subsection (a) shall not be less than 50 percent.

#### SEC. 1107. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this title.

### TITLE XII—BLUE RIDGE NATIONAL HERITAGE AREA

#### SEC. 1201. SHORT TITLE.

This title may be cited as the "Blue Ridge National Heritage Area Act of 2002".

#### SEC. 1202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Blue Ridge Mountains and the extensive cultural and natural resources of the Blue Ridge Mountains have played a significant role in the history of the United States and the State of North Carolina;

(2) archaeological evidence indicates that the Blue Ridge Mountains have been inhabited by humans since the last retreat of the glaciers, with the Native Americans living in the area at the time of European discovery being primarily of Cherokee descent;

(3) the Blue Ridge Mountains of western North Carolina, including the Great Smoky Mountains, played a unique and significant role in the establishment and development of

the culture of the United States through several distinct legacies, including—

(A) the craft heritage that—

(i) was first influenced by the Cherokee Indians;

(ii) was the origin of the traditional craft movement starting in 1900 and the contemporary craft movement starting in the 1940's; and

(iii) is carried out by over 4,000 craftspeople in the Blue Ridge Mountains of western North Carolina, the third largest concentration of such people in the United States;

(B) a musical heritage comprised of distinctive instrumental and vocal traditions that—

(i) includes stringband music, bluegrass, ballad singing, blues, and sacred music;

(ii) has received national recognition; and

(iii) has made the region 1 of the richest repositories of traditional music and folklife in the United States;

(C) the Cherokee heritage—

(i) dating back thousands of years; and

(ii) offering—

(I) nationally significant cultural traditions practiced by the Eastern Band of Cherokee Indians;

(II) authentic tradition bearers;

(III) historic sites; and

(IV) historically important collections of Cherokee artifacts; and

(D) the agricultural heritage established by the Cherokee Indians, including medicinal and ceremonial food crops, combined with the historic European patterns of raising livestock, culminating in the largest number of specialty crop farms in North Carolina;

(4) the artifacts and structures associated with those legacies are unusually well-preserved;

(5) the Blue Ridge Mountains are recognized as having one of the richest collections of historical resources in North America;

(6) the history and cultural heritage of the Blue Ridge Mountains are shared with the States of Virginia, Tennessee, and Georgia;

(7) there are significant cultural, economic, and educational benefits in celebrating and promoting this mutual heritage;

(8) according to the 2002 reports entitled "The Blue Ridge Heritage and Cultural Partnership" and "Western North Carolina National Heritage Area Feasibility Study and Plan", the Blue Ridge Mountains contain numerous resources that are of outstanding importance to the history of the United States; and

(9) it is in the interest of the United States to preserve and interpret the cultural and historical resources of the Blue Ridge Mountains for the education and benefit of present and future generations.

(b) PURPOSE.—The purpose of this title is to foster a close working relationship with, and to assist, all levels of government, the private sector, and local communities in the State in managing, preserving, protecting, and interpreting the cultural, historical, and natural resources of the Heritage Area while continuing to develop economic opportunities.

#### SEC. 1203. DEFINITIONS.

In this title:

(1) HERITAGE AREA.—The term "Heritage Area" means the Blue Ridge National Heritage Area established by section 1204(a).

(2) MANAGEMENT ENTITY.—The term "management entity" means the management entity for the Heritage Area designated by section 1204(c).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area approved under section 1205.



(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) STATE.—The term “State” means the State of North Carolina.

#### SEC. 1204. BLUE RIDGE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Blue Ridge National Heritage Area in the State.

(b) BOUNDARIES.—The Heritage Area shall consist of the counties of Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey in the State.

(c) MANAGEMENT ENTITY.—

(1) IN GENERAL.—As a condition of the receipt of funds made available under section 1209(a), the Blue Ridge National Heritage Area Partnership shall be the management entity for the Heritage Area.

(2) BOARD OF DIRECTORS.—

(A) COMPOSITION.—The management entity shall be governed by a board of directors composed of 9 members, of whom—

(i) 2 members shall be appointed by AdvantageWest;

(ii) 2 members shall be appointed by Hand-Made In America, Inc.;

(iii) one member shall be appointed by the Education Resources Consortium of Western North Carolina;

(iv) 1 member shall be appointed by the Eastern Band of the Cherokee Indians; and

(v) 3 members shall be appointed by the Governor of North Carolina and shall—

(I) reside in geographically diverse regions of the Heritage Area;

(II) be a representative of State or local governments or the private sector; and

(III) have knowledge of tourism, economic and community development, regional planning, historic preservation, cultural or natural resources development, regional planning, conservation, recreational services, education, or museum services.

#### SEC. 1205. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this title, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area.

(b) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the management entity shall—

(1) for the purpose of presenting a unified preservation and interpretation plan, take into consideration Federal, State, and local plans; and

(2) provide for the participation of residents, public agencies, and private organizations in the Heritage Area.

(c) CONTENTS.—The management plan shall—

(1) present comprehensive recommendations and strategies for the conservation, funding, management, and development of the Heritage Area;

(2) identify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(3) include—

(A) an inventory of the cultural, historical, natural, and recreational resources of the Heritage Area, including a list of property that—

(i) relates to the purposes of the Heritage Area; and

(ii) should be conserved, restored, managed, developed, or maintained because of the significance of the property;

(B) a program of strategies and actions for the implementation of the management plan that identifies the roles of agencies and orga-

nizations that are involved in the implementation of the management plan;

(C) an interpretive and educational plan for the Heritage Area;

(D) a recommendation of policies for resource management and protection that develop intergovernmental cooperative agreements to manage and protect the cultural, historical, natural, and recreational resources of the Heritage Area; and

(E) an analysis of ways in which Federal, State, and local programs may best be coordinated to promote the purposes of this title.

(d) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date described in subsection (a), the Secretary shall not provide any additional funding under this title until a management plan is submitted to the Secretary.

(e) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (a), the Secretary shall approve or disapprove the management plan.

(2) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether the management plan—

(A) has strong local support from landowners, business interests, nonprofit organizations, and governments in the Heritage Area; and

(B) has a high potential for effective partnership mechanisms.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan under subsection (e)(1), the Secretary shall—

(A) advise the management entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) allow the management entity to submit to the Secretary revisions to the management plan.

(4) DEADLINE FOR APPROVAL OF REVISION.—Not later than 60 days after the date on which a revision is submitted under paragraph (3)(C), the Secretary shall approve or disapprove the proposed revision.

(f) AMENDMENT OF APPROVED MANAGEMENT PLAN.—

(1) IN GENERAL.—After approval by the Secretary of a management plan, the management entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval, the recommendation of the management entity for any amendments to the management plan.

(2) USE OF FUNDS.—No funds made available under section 1209(a) shall be used to implement any amendment proposed by the management entity under paragraph (1)(B) until the Secretary approves the amendment.

#### SEC. 1206. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) AUTHORITIES.—For the purposes of developing and implementing the management plan, the management entity may use funds made available under section 1209(a) to—

(1) make grants to, and enter into cooperative agreements with, the State (including a political subdivision), nonprofit organizations, or persons;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—In addition to developing the management plan, the management entity shall—

(1) develop and implement the management plan while considering the interests of diverse units of government, businesses, pri-

vate property owners, and nonprofit groups in the Heritage Area;

(2) conduct public meetings in the Heritage Area at least semiannually on the development and implementation of the management plan;

(3) give priority to the implementation of actions, goals, and strategies in the management plan, including providing assistance to units of government, nonprofit organizations, and persons in—

(A) carrying out the programs that protect resources in the Heritage Area;

(B) encouraging economic viability in the Heritage Area in accordance with the goals of the management plan;

(C) establishing and maintaining interpretive exhibits in the Heritage Area;

(D) developing recreational and educational opportunities in the Heritage Area; and

(E) increasing public awareness of and appreciation for the cultural, historical, and natural resources of the Heritage Area; and

(4) for any fiscal year for which Federal funds are received under section 1209(a)

(A) submit to the Secretary a report that describes, for the fiscal year—

(i) the accomplishments of the management entity;

(ii) the expenses and income of the management entity; and

(iii) each entity to which a grant was made;

(B) make available for audit by Congress, the Secretary, and appropriate units of government, all records relating to the expenditure of funds and any matching funds; and

(C) require, for all agreements authorizing expenditure of Federal funds by any entity, that the receiving entity make available for audit all records relating to the expenditure of funds.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds received under section 1209(a) to acquire real property or an interest in real property.

#### SEC. 1207. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) IN GENERAL.—The Secretary may provide to the management entity technical assistance and, subject to the availability of appropriations, financial assistance, for use in developing and implementing the management plan.

(b) PRIORITY FOR ASSISTANCE.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the preservation of the significant cultural, historical, natural, and recreational resources of the Heritage Area; and

(2) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources of the Heritage Area.

#### SEC. 1208. LAND USE REGULATION.

(a) IN GENERAL.—Nothing in this title—

(1) grants any power of zoning or land use to the management entity; or

(2) modifies, enlarges, or diminishes any authority of the Federal Government or any State or local government to regulate any use of land under any law (including regulations).

(b) PRIVATE PROPERTY.—Nothing in this title—

(1) abridges the rights of any person with respect to private property;

(2) affects the authority of the State or local government with respect to private property; or

(3) imposes any additional burden on any property owner.

#### SEC. 1209. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title

\$10,000,000, of which not more than \$1,000,000 shall be made available for any fiscal year.

(b) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of any activities carried out using Federal funds made available under subsection (a) shall be not less than 50 percent.

#### SEC. 1210. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this title.

### TITLE XIII—ATCHAFALAYA NATIONAL HERITAGE AREA

#### SECTION 1301. SHORT TITLE.

This title may be cited as the “Atchafalaya National Heritage Area Act”.

#### SEC. 1302. FINDINGS.

Congress finds that—

(1) the Atchafalaya Basin area of Louisiana, designated by the Louisiana Legislature as the “Atchafalaya Trace State Heritage Area” and consisting of the area described in section 1305(b), is an area in which natural, scenic, cultural, and historic resources form a cohesive and nationally distinctive landscape arising from patterns of human activity shaped by geography;

(2) the significance of the area is enhanced by the continued use of the area by people whose traditions have helped shape the landscape;

(3) there is a national interest in protecting, conserving, restoring, promoting, and interpreting the benefits of the area for the residents of, and visitors to, the area;

(4) the area represents an assemblage of rich and varied resources forming a unique aspect of the heritage of the United States;

(5) the area reflects a complex mixture of people and their origins, traditions, customs, beliefs, and folkways of interest to the public;

(6) the land and water of the area offer outstanding recreational opportunities, educational experiences, and potential for interpretation and scientific research; and

(7) local governments of the area support the establishment of a national heritage area.

#### SEC. 1303. PURPOSES.

The purposes of this title are—

(1) to protect, preserve, conserve, restore, promote, and interpret the significant resource values and functions of the Atchafalaya Basin area and advance sustainable economic development of the area;

(2) to foster a close working relationship with all levels of government, the private sector, and the local communities in the area so as to enable those communities to conserve their heritage while continuing to pursue economic opportunities; and

(3) to establish, in partnership with the State, local communities, preservation organizations, private corporations, and landowners in the Heritage Area, the Atchafalaya Trace State Heritage Area, as designated by the Louisiana Legislature, as the Atchafalaya National Heritage Area.

#### SEC. 1304. DEFINITIONS.

In this title:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Atchafalaya National Heritage Area established by section 1305(a).

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by section 1305(c).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area developed under section 1307.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—The term “State” means the State of Louisiana.

#### SEC. 1305. ATCHAFALAYA NATIONAL HERITAGE AREA.

(a) **ESTABLISHMENT.**—There is established in the State the Atchafalaya National Heritage Area.

(b) **BOUNDARIES.**—The Heritage Area shall consist of the whole of the following parishes in the State: St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, and East Baton Rouge.

(c) **LOCAL COORDINATING ENTITY.**—

(1) **IN GENERAL.**—The Atchafalaya Trace Commission shall be the local coordinating entity for the Heritage Area.

(2) **COMPOSITION.**—The local coordinating entity shall be composed of 13 members appointed by the governing authority of each parish within the Heritage Area.

#### SEC. 1306. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.

(a) **AUTHORITIES.**—For the purposes of developing and implementing the management plan and otherwise carrying out this title, the local coordinating entity may—

(1) make grants to, and enter into cooperative agreements with, the State, units of local government, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) **DUTIES.**—The local coordinating entity shall—

(1) submit to the Secretary for approval a management plan;

(2) implement the management plan, including providing assistance to units of government and others in—

(A) carrying out programs that recognize important resource values within the Heritage Area;

(B) encouraging sustainable economic development within the Heritage Area;

(C) establishing and maintaining interpretive sites within the Heritage Area; and

(D) increasing public awareness of, and appreciation for the natural, historic, and cultural resources of, the Heritage Area;

(3) adopt bylaws governing the conduct of the local coordinating entity; and

(4) for any year for which Federal funds are received under this title, submit to the Secretary a report that describes, for the year—

(A) the accomplishments of the local coordinating entity; and

(B) the expenses and income of the local coordinating entity.

(c) **ACQUISITION OF REAL PROPERTY.**—The local coordinating entity shall not use Federal funds received under this title to acquire real property or an interest in real property.

(d) **PUBLIC MEETINGS.**—The local coordinating entity shall conduct public meetings at least quarterly.

#### SEC. 1307. MANAGEMENT PLAN.

(a) **IN GENERAL.**—The local coordinating entity shall develop a management plan for the Heritage Area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, scenic, cultural, historic, and recreational resources of the Heritage Area.

(b) **CONSIDERATION OF OTHER PLANS AND ACTIONS.**—In developing the management plan, the local coordinating entity shall—

(1) take into consideration State and local plans; and

(2) invite the participation of residents, public agencies, and private organizations in the Heritage Area.

(c) **CONTENTS.**—The management plan shall include—

(1) an inventory of the resources in the Heritage Area, including—

(A) a list of property in the Heritage Area that—

(i) relates to the purposes of the Heritage Area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the Heritage Area;

(2) provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with this title;

(3) an interpretation plan for the Heritage Area; and

(4) a program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the Heritage Area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(d) **SUBMISSION TO SECRETARY FOR APPROVAL.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this title, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) **EFFECT OF FAILURE TO SUBMIT.**—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this title until a management plan for the Heritage Area is submitted to the Secretary.

(e) **APPROVAL.**—

(1) **IN GENERAL.**—Not later than 90 days after receiving the management plan submitted under subsection (d)(1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) **ACTION FOLLOWING DISAPPROVAL.**—

(A) **IN GENERAL.**—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(B) **DEADLINE FOR APPROVAL OF REVISION.**—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(f) **REVISION.**—

(1) **IN GENERAL.**—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate.

(2) **EXPENDITURE OF FUNDS.**—No funds made available under this title shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

#### SEC. 1308. COST SHARING.

The Federal share of the cost of any activity assisted by the local coordinating entity under this title shall not exceed 50 percent.

#### SEC. 1309. EFFECT.

Nothing in this title or in establishment of the Heritage Area—

(1) grants any Federal agency regulatory authority over any interest in the Heritage Area, unless cooperatively agreed on by all involved parties;

(2) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any



use of land as provided for by law (including regulations) in existence on the date of enactment of this title;

(3) grants any power of zoning or land use to the local coordinating entity;

(4) imposes any environmental, occupational, safety, or other rule, standard, or permitting process that is different from those in effect on the date of enactment of this title that would be applicable had the Heritage Area not been established;

(5)(A) imposes any change in Federal environmental quality standards; or

(B) authorizes designation of any portion of the Heritage Area that is subject to part C of Title I of the Clean Air Act (42 U.S.C. 7470 et seq.) as class 1 for the purposes of that part solely by reason of the establishment of the Heritage Area;

(6) authorizes any Federal or State agency to impose more restrictive water use designations, or water quality standards on uses of or discharges to, waters of the United States or waters of the State within or adjacent to the Heritage Area solely by reason of the establishment of the Heritage Area;

(7) abridges, restricts, or alters any applicable rule, standard, or review procedure for permitting of facilities within or adjacent to the Heritage Area; or

(8) affects the continuing use and operation, where located on the date of enactment of this title, of any public utility or common carrier.

#### SEC. 1310. REPORTS.

For any year in which Federal funds have been made available under this title, the local coordinating entity shall submit to the Secretary a report that describes—

(1) the accomplishments of the local coordinating entity; and

(2) the expenses and income of the local coordinating entity.

#### SEC. 1311. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title \$10,000,000, of which not more than \$1,000,000 shall be made available for any fiscal year.

#### SEC. 1312. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this title.

**SA 4971.** Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill S. 941, to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to extend the term of the advisory commission for the recreation area, and for other purposes; as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

#### TITLE I—RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT

##### SEC. 101. SHORT TITLE.

This title may be cited as the “Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act of 2002”.

##### SEC. 102. GOLDEN GATE NATIONAL RECREATION AREA, CALIFORNIA.

(a) BOUNDARY ADJUSTMENT.—Section 2(a) of Public Law 92-589 (16 U.S.C. 460bb-1(a)) is amended—

(1) by striking “The recreation area shall comprise” and inserting the following:

“(1) IN GENERAL.—The recreation area shall comprise”; and

(2) by striking “The following additional lands are also” and all that follows through the period at the end of the paragraph and inserting the following:

“(2) ADDITIONAL LAND.—In addition to the land described in paragraph (1), the recreation area shall include—

“(A) the parcels numbered by the Assessor of Marin County, California, 119-040-04, 119-040-05, 119-040-18, 166-202-03, 166-010-06, 166-010-07, 166-010-24, 166-010-25, 119-240-19, 166-010-10, 166-010-22, 119-240-03, 119-240-51, 119-240-52, 119-240-54, 166-010-12, 166-010-13, and 119-235-10;

“(B) land and water in San Mateo County generally depicted on the map entitled ‘Sweeney Ridge Addition, Golden Gate National Recreation Area’, numbered NRA GG-80,000-A, and dated May 1980;

“(C) land acquired under the Golden Gate National Recreation Area Addition Act of 1992 (16 U.S.C. 460bb-1 note; Public Law 102-299);

“(D) land generally depicted on the map entitled ‘Additions to Golden Gate National Recreation Area’, numbered NPS-80-076, and dated July 2000/PWR-PLRPC; and

“(E) land generally depicted on the map entitled ‘Rancho Corral de Tierra Additions to the Golden Gate National Recreation Area’, numbered NPS-80,079A and dated July 2001.

“(3) ACQUISITION AUTHORITY.—The Secretary may acquire land described in paragraph 102(E) only from a willing seller.”.

(b) EXTENSION OF TERM OF ADVISORY COMMISSION.—Section 5(g) of Public Law 92-589 (16 U.S.C. 460bb-4(g)) is amended by striking “thirty years after the enactment of this Act” and inserting “on December 31, 2012”.

#### TITLE II—YOSEMITE NATIONAL PARK EDUCATION IMPROVEMENT

##### SEC. 201. SHORT TITLE.

This title may be cited as the “Yosemite National Park Education Improvement Act”.

##### SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The three elementary schools serving the children of employees of Yosemite National Park are served by the Bass Lake Joint Union Elementary School District and Mariposa Unified School District.

(2) The schools are in remote mountainous areas and long distances from other educational and administrative facilities of the two local educational agencies.

(3) Because of their remote locations and relatively small number of students, schools serving the children of employees of the Park provide fewer services in more basic facilities than the educational services and facilities provided to students that attend other schools served by the two local educational agencies.

(4) Because of the long distances involved and adverse weather and road conditions that occur during much of the school year, it is impractical for the children of employees of the Park who live within or near the Park to attend other schools served by the two local educational agencies.

(b) PURPOSE.—The purpose of this title is to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park.

##### SEC. 203. PAYMENTS FOR EDUCATIONAL SERVICES.

(a) AUTHORITY TO PROVIDE FUNDS.—For fiscal years 2003 through 2007, the Secretary may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District for educational services to students who are dependents of persons engaged in the administration, operation, and maintenance of the Park or students who live at or near the Park upon real property of the United States.

(b) LIMITATIONS ON USE OF FUNDS.—Payments made by the Secretary under this section may not be used for new construction, construction contracts, or major capital improvements, and may be used only to pay public employees for services otherwise authorized by this title.

(c) LIMITATIONS ON AMOUNT OF FUNDS.—Payments made under this section shall not exceed the lesser of \$400,000 in any fiscal year or the amount necessary to provide students described in subsection (a) with educational services that are normally provided and generally available to students who attend public schools elsewhere in the State of California.

##### (d) LIMITATION ON FUNDING SOURCES.—

(1) EXCEPTIONS.—Funds from the following sources may not be used to make payments under this section:

(A) Fees authorized and collected under the Land and Water Conservation Fund Act of 1956 (16 U.S.C., 4601-4 et seq.).

(B) The recreational fee demonstration program under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134; 16 U.S.C. 4601-6a note).

(C) The national park passport program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

(D) Emergency appropriations for Yosemite flood recovery.

(E) Funds appropriated for the Operation of the National Park Service (ONPS Funds).

(e) DEFINITIONS.—For the purposes of this title, the following definitions apply:

(1) LOCAL EDUCATIONAL AGENCIES.—The term “local educational agencies” has the meaning given that term in section 9109(26) of the Elementary and Secondary Education Act of 1965.

(2) EDUCATIONAL SERVICES.—The term “educational services” means services that may include maintenance and minor upgrades of facilities and transportation to and from school.

(3) PARK.—The term “Park” means Yosemite National Park.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

##### SEC. 204. AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF YOSEMITE NATIONAL PARK.

Section 814(c) of the Omnibus Parks and Public Lands Management Act of 1966 (16 U.S.C. 346e) is amended—

(1) in the first sentence—

(A) by inserting “and Yosemite National Park” after “Zion National Park”; and

(B) by inserting “transportation systems and” before “the establishment of”; and

(2) by striking “park” each place it appears and inserting “parks”.

##### SEC. 205. MANZANAR NATIONAL HISTORIC SITE ADVISORY COMMISSIONS.

Section 105(h) of Public Law 102-248 (16 U.S.C. 461 note) is amended by striking “10 years after the date of enactment of this title” and inserting “on December 31, 2012”.

#### TITLE III—JOHN MUIR NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT

##### SEC. 301. SHORT TITLE.

This title may be cited as the “John Muir National Historic Site Boundary Adjustment Act”.

##### SEC. 302. BOUNDARY ADJUSTMENT.

(a) BOUNDARY.—The boundary of the John Muir National Historic Site is adjusted to include the lands generally depicted on the map entitled “Boundary Map, John Muir National Historic Site” numbered PWR-OL 426-80,044a and dated August 2001.

(b) LAND ACQUISITION.—The Secretary of the Interior is authorized to acquire the

lands and interests in lands identified as the "Boundary Adjustment Area" on the map referred to in subsection (a) by donation, purchase with donated or appropriated funds, exchange, or otherwise.

(c) **ADMINISTRATION.**—The lands and interests in lands described in subsection (b) shall be administered as part of the John Muir National Historic Site established by the Act of August 31, 1964 (78 Stat. 753; 16 U.S.C. 461 note).

#### TITLE IV—SAN GABRIEL RIVER WATERSHEDS STUDY SEC. 401. SHORT TITLE.

This title may be cited as the "San Gabriel River Watersheds Study Act of 2002".

#### SEC. 402. AUTHORIZATION OF STUDY.

(a) **IN GENERAL.**—The Secretary of the Interior (hereinafter in this title referred to as the "Secretary", in consultation with the Secretary of Agriculture and the Secretary of the Army, shall conduct a comprehensive resource study of the following areas:

(1) The San Gabriel River and its tributaries north of and including the city of Santa Fe Springs, and

(2) The San Gabriel Mountains within the territory of the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (as defined in section 32603(c)(1)(C) of the State of California Public Resource Code).

(b) **STUDY CONDUCT AND COMPLETION.**—(1) The Secretary shall conduct a comprehensive evaluation of the area's natural and recreational resources to make recommendations for the future coordinated management, protection and enhancement of these resources and an analysis of the cost of each option. In addition, the study shall consider a system of greenways, scenic roadways, river, and trail corridors linking communities within the area.

(2) The study shall be conducted in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) **CONSULTATION WITH STATE AND LOCAL GOVERNMENTS.**—In conducting the study authorized by this section, the Secretary shall consult with the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy and other appropriate State, county, and local government entities.

(d) **CONSIDERATIONS.**—In conducting the study authorized by this section, the Secretary shall consider regional flood control and drainage needs and publicly owned infrastructure, including, but not limited to, wastewater treatment facilities.

#### SEC. 403. REPORT.

Not later than 3 years after funds are made available for this title, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report on the findings, conclusions, and recommendations of the study.

#### TITLE V—GRAND TETON NATIONAL PARK LAND EXCHANGE SEC. 501. DEFINITIONS.

As used in this title:

(1) **FEDERAL LANDS.**—The term "Federal lands" means public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(2) **GOVERNOR.**—The term "Governor" means the Governor of the State of Wyoming.

(3) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(4) **STATE LANDS.**—The term "State lands" means lands and interest in lands owned by the State of Wyoming within the boundaries of Grand Teton National Park as identified on a map titled "Private, State & County Inholdings Grand Teton National Park", dated March 2001, and numbered GTNP/0001.

#### SEC. 502. ACQUISITION OF STATE LANDS.

(a) **AUTHORIZATION TO ACQUIRE LANDS.**—The Secretary is authorized to acquire approximately 1,406 acres of State lands within the exterior boundaries of Grand Teton National Park, as generally depicted on the map referenced in section 101(4), by any one or a combination of the following—

(1) donation;

(2) purchase with donated or appropriated funds; or

(3) exchange of Federal lands in the State of Wyoming that are identified for disposal under approved land use plans in effect on the date of enactment of this title under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) that are of equal value to the State lands acquired in the exchange.

(b) **IDENTIFICATION OF LANDS FOR EXCHANGE.**—In the event that the Secretary or the Governor determines that the Federal lands eligible for exchange under subsection (a)(3) are not sufficient or acceptable for the acquisition of all the State lands identified in section 501(4), the Secretary shall identify other Federal lands or interests therein in the State of Wyoming for possible exchange and shall identify such lands or interests together with their estimated value in a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives. Such lands or interests shall not be available for exchange unless authorized by an Act of Congress enacted after the date of submission of the report.

#### SEC. 503. VALUATION OF STATE AND FEDERAL INTERESTS.

(a) **AGREEMENT ON APPRAISER.**—If the Secretary and the Governor are unable to agree on the value of any Federal lands eligible for exchange under section 502(a)(3) or State lands, then the Secretary and the Governor may select a qualified appraiser to conduct an appraisal of those lands. The purchase or exchange under section 502(a) shall be conducted based on the values determined by the appraisal.

(b) **NO AGREEMENT ON APPRAISER.**—If the Secretary and the Governor are unable to agree on the selection of a qualified appraiser under subsection (a), then the Secretary and the Governor shall each designate a qualified appraiser. The two designated appraisers shall select a qualified third appraiser to conduct the appraisal with the advice and assistance of the two designated appraisers. The purchase or exchange under section 502(a) shall be conducted based on the values determined by the appraisal.

(c) **APPRAISAL COSTS.**—The Secretary and the State of Wyoming shall each pay one-half of the appraisal costs under subsections (a) and (b).

#### SEC. 504. ADMINISTRATION OF STATE LANDS ACQUIRED BY THE UNITED STATES.

The State lands conveyed to the United States under section 502(a) shall become part of Grand Teton National Park. The Secretary shall manage such lands under the Act of August 25, 1916 (commonly known as the "National Park Service Organic Act") and other laws, rules, and regulations applicable to Grand Teton National Park.

#### SEC. 505. AUTHORIZATION FOR APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for the purposes of this title.

#### TITLE VI—GALISTEO BASIN ARCHAEOLOGICAL SITES PROTECTION

##### SEC. 601. SHORT TITLE.

This title may be cited as the "Galisteo Basin Archaeological Sites Protection Act".

##### SEC. 602. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—The Congress finds that—

(1) the Galisteo Basin and surrounding area of New Mexico is the location of many well preserved prehistoric and historic archaeological resources of Native American and Spanish colonial cultures;

(2) these resources include the largest ruins of Pueblo Indian settlements in the United States, spectacular examples of Native American rock art, and ruins of Spanish colonial settlements; and (3) these resources are being threatened by natural causes, urban development, vandalism, and uncontrolled excavations.

(b) **PURPOSE.**—The purpose of this title is to provide for the preservation, protection, and interpretation of the nationally significant archaeological resources in the Galisteo Basin in New Mexico.

#### SEC. 603. ESTABLISHMENT OF GALISTEO BASIN ARCHAEOLOGICAL PROTECTION SITES.

(a) **IN GENERAL.**—the following archaeological sites located in the Galisteo Basin in the State of New Mexico, totaling approximately 4,591 acres, are hereby designated as Galisteo Basin Archaeological Protection Sites:

Name	Acres
Arroyo Hondo Pueblo .....	21
Burnt Corn Pueblo .....	110
Chamisa Locita Pueblo .....	16
Comanche Gap Petroglyphs .....	764
Espinosa Ridge Site .....	160
La Cienega Pueblo & Petroglyphs .....	126
La Cienega Pithouse Village .....	179
La Cieneguilla Petroglyphs/Camino Real Site .....	531
La Cieneguilla Pueblo .....	11
Lamy Pueblo .....	30
Lamy Junction Site .....	80
Las Huertas .....	44
Pa'ako Pueblo .....	29
Petroglyph Hill .....	130
Pueblo Blanco .....	878
Pueblo Colorado .....	120
Pueblo Galisteo/Las Madres .....	133
Pueblo Largo .....	60
Pueblo She .....	120
Rote Chert Quarry .....	5
San Cristobal Pueblo .....	520
San Lazaro Pueblo .....	360
San Marcos Pueblo .....	152
Upper Arroyo Hondo Pueblo .....	12
<b>Total Acreage .....</b>	<b>4,591</b>

(b) **AVAILABILITY OF MAPS.**—The archaeological protection sites listed in subsection (b) are generally depicted on a series of 19 maps entitled "Galisteo Basin Archaeological Protection Sites" and dated July, 2002. The Secretary shall keep the maps on file and available for public inspection in appropriate offices in New Mexico of the Bureau of Land Management and the National Park Service.

(c) **BOUNDARY ADJUSTMENTS.**—The Secretary may make minor boundary adjustments to the archaeological protection sites by publishing notice thereof in the Federal Register.

#### SEC. 604. ADDITIONAL SITES.

(a) **IN GENERAL.**—The Secretary of the Interior (in this title referred to as the "Secretary") shall—

(1) continue to search for additional Native American and Spanish colonial sites in the Galisteo Basin area of New Mexico; and

(2) submit to Congress, within three years after the date funds become available and thereafter as needed, recommendations for additions to, deletions from, and modifications of the boundaries of the list of archaeological protection sites in section 3 of this title.

(b) **ADDITIONS ONLY BY STATUTE.**—Additions to or deletions from the list in section 3 shall be made only by an Act of Congress.

**SEC. 605. ADMINISTRATION.****(a) IN GENERAL.—**

(1) The Secretary shall administer archaeological protection sites located on Federal land in accordance with the provisions of this title, the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), and other applicable laws in a manner that will protect, preserve, and maintain the archaeological resources and provide for research thereon.

(2) The Secretary shall have no authority to administer archaeological protection sites which are on non-Federal lands except to the extent provided for in a cooperative agreement entered into between the Secretary and the landowner.

(3) Nothing in this title shall be construed to extend the authorities of the Archaeological Resources Protection Act of 1979 or the Native American Graves Protection and Repatriation Act to private lands which are designated as an archaeological protection site.

**(b) MANAGEMENT PLAN.—**

(1) **IN GENERAL.**—Within three complete fiscal years after the date funds are made available, the Secretary shall prepare and transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, a general management plan for the identification, research, protection, and public interpretation of—

(A) the archaeological protection sites located on Federal land; and

(B) for sites on State or private lands for which the Secretary has entered into cooperative agreements pursuant to section 606 of this title.

(2) **CONSULTATION.**—The general management plan shall be developed by the Secretary in consultation with the Governor of New Mexico, the New Mexico State Land Commissioner, affected Native American pueblos, and other interested parties.

**SEC. 606. COOPERATIVE AGREEMENTS.**

The Secretary is authorized to enter into cooperative agreements with owners of non-Federal lands with regard to an archaeological protection site, or portion thereof, located on their property. The purpose of such an agreement shall be to enable the Secretary to assist with the protection, preservation, maintenance, and administration of the archaeological resources and associated lands. Where appropriate, a cooperative agreement may also provide for public interpretation of the site.

**SEC. 607. ACQUISITIONS.**

(a) **IN GENERAL.**—The Secretary is authorized to acquire lands and interests therein within the boundaries of the archaeological protection sites, including access thereto, by donation, by purchase with donated or appropriated funds, or by exchange.

(b) **CONSENT OF OWNER REQUIRED.**—The Secretary may only acquire lands or interests therein with the consent of the owner thereof.

(c) **STATE LANDS.**—The Secretary may acquire lands or interests therein owned by the State of New Mexico or a political subdivision thereof only by donation or exchange, except that State trust lands may only be acquired by exchange.

**SEC. 608. WITHDRAWAL.**

Subject to valid existing rights, all Federal lands within the archaeological protection sites are hereby withdrawn—

(1) from all forms of entry, appropriation, or disposal under the public land laws and all amendments thereto;

(2) from location, entry, and patent under the mining law and all amendments thereto; and

(3) from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

**SEC. 609. SAVINGS PROVISIONS.**

Nothing in this title shall be construed—

(1) to authorize the regulation of privately owned lands within an area designated as an archaeological protection site;

(2) to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of privately owned lands;

(3) to modify, enlarge, or diminish any authority of Federal, State, tribal, or local governments to manage or regulate any use of land as provided for by law or regulation; or

(4) to restrict or limit a tribe from protecting cultural or religious sites on tribal lands.

**SEC. 610. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated such sums as may be necessary to carry out this title.

### TITLE VII—KALOKO-HONOKŌHAU NATIONAL HISTORICAL PARK

**SEC. 701. SHORT TITLE.**

This title may be cited as the “Kaloko-Honokohau National Historical Park Addition Title of 2002”.

**SEC. 702. ADDITIONS TO KALOKO-HONOKŌHAU NATIONAL HISTORICAL PARK.**

Section 505(a) of Public Law 95-625 (16 U.S.C. 396d(a)) is amended—

(1) by striking “(a) In order” and inserting “(a)(1) In order”;

(2) by striking “1978,” and all that follows and inserting “1978.”; and

(3) by adding at the end the following new paragraphs:

“(2) The boundaries of the park are modified to include lands and interests therein comprised of Parcels 1 and 2 totaling 2.14 acres, identified as ‘Trace A’ on the map entitled ‘Kaloko-Honokohau National Historical Park Proposed Boundary Adjustment’, numbered PWR (PISO) 466/82,043 and dated April 2002.

“(3) The maps referred to in this subsection shall be on file and available for public inspection in the appropriate offices of the National Park Service.”.

**SEC. 703. AUTHORIZATIONS OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this title.

### TITLE VIII—MISCELLANEOUS TECHNICAL AMENDMENTS

**SEC. 801. LACKAWANNA VALLEY HERITAGE AREA.**

Section 106(a) of the Lackawanna Valley National Heritage Area Act of 2000 (Public Law 106-278; 16 U.S.C. 461 note.) is amended to read as follows:

“(a) **AUTHORITIES OF MANAGEMENT ENTITY.**—For purposes of preparing and implementing the management plan, the management entity may—

“(1) make grants to, and enter into cooperative agreements with, the State and political subdivisions of the State, private organizations, or any person; and

“(2) hire and compensate staff.”.

**SEC. 802. HAWAIIAN SPELLING ERRORS.**

Section 5 of the Act entitled “An Act to add certain lands on the Island of Hawaii to the Hawaii National Park, and for other purposes”, as added by Public Law 99-564 (100 Stat. 3179; 16 U.S.C. 392c) is amended by striking “Hawaii Volcanoes” each place it appears and inserting “Hawaii Volcanoes”.

**SEC. 803. “I HAVE A DREAM” PLAQUE AT LINCOLN MEMORIAL.**

Section 2 of Public Law 106-365 (114 Stat. 1409) is amended by striking “and expand

contributions” and inserting “and expend contributions”.

**SEC. 804. WILD AND SCENIC RIVERS AND NATIONAL TRAILS.**

(a) **WILD AND SCENIC RIVERS.**—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by redesignating the paragraph (162), pertaining to White Clay Creek, Delaware and Pennsylvania, as paragraph (163);

(2) by designating the second paragraph (161), pertaining to the Wekiva River, Wekiwa Springs Run, Rock Springs Run, and Black Water Creek, Florida, as paragraph (162);

(3) by designating the undesignated paragraph pertaining to the Wildhorse and Kiger Creeks, Oregon, as paragraph (164); and

(4) by redesignating the third paragraph (161), pertaining to the Lower Delaware River and associated tributaries, New Jersey and Pennsylvania, as paragraph (165).

(b) **NATIONAL TRAILS.**—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by redesignating the second paragraph (21), pertaining to the Ala Kahakai National Historic Trail, and enacted by Public Law 106-509 as paragraph (22).

**SEC. 805. JAMESTOWN 400th COMMEMORATION COMMISSION.**

The Jamestown 400th Commemoration Commission Act of 2000 (Public Law 106-565; 114 Stat. 2812; 16 U.S.C. 81 note.) is amended—

(1) in section 2(a)(5), by striking “State”;

(2) in sections 2(b), 3(3), and 4(h), by striking “State” and inserting “Commonwealth” each place it appears;

(3) in section 3, by striking paragraph (5) and inserting the following:

“(5) **COMMONWEALTH.**—The term ‘Commonwealth’ means the Commonwealth of Virginia, including agencies and entities of the Commonwealth.” and

(4) in section 4(b)(1), by striking “16” and inserting “15”.

**SEC. 806. ROSIE THE RIVETER—WORLD WAR II HOME FRONT NATIONAL HISTORICAL PARK.**

The Rosie the Riveter/World War II Home Front National Historical Park Establishment Act of 2000 (Public Law 106-352; 114 Stat. 1371; 16 U.S.C. 410ggg-1) is amended—

(1) in section 2(a), by striking “numbered 963/80000” and inserting “numbered 963/80,000”;

(2) in section 3(a)(1), by striking “August 35” and inserting “August 25”.

(3) in section 3(b)(1), by striking “the World War II Child Development Centers, the World War II worker housing, the Kaiser-Permanente Field Hospital, and Fire Station 67A,” and inserting “the Child Development Field Centers (Ruth C. Powers) (Maritime), Atchison Housing, the Kaiser-Permanente Field Hospital, and Richmond Fire Station 67A.”; and

(4) in section 3(e)(2), by striking “the World War II day care centers, the World War II worker housing, the Kaiser-Permanente Field Hospital, and Fire Station 67,” and inserting “the Child Development Field Centers (Ruth C. Powers) (Maritime), Atchison Housing, the Kaiser-Permanente Field Hospital, and Richmond Fire Station 67A.”.

**SEC. 807. VICKSBURG CAMPAIGN TRAIL BATTLEFIELDS.**

The Vicksburg Campaign Trail Battlefields Preservation Act of 2000 (Public Law 106-487; 114 Stat. 2202) is amended—

(1) in section 2(a)(1), by striking “and Tennessee” and inserting “Tennessee, and Kentucky”;

(2) in section 3(1), by striking “and Tennessee,” and inserting “Tennessee, and Kentucky,”; and

(3) in section 3(2)—

(A) by striking “and” at the end of subparagraph (R);

(B) by redesignating subparagraph (S) as subparagraph (T); and

(C) by inserting a new subparagraph (S) as follows:

“(S) Fort Heiman in Calloway County, Kentucky, and resources in and around Columbus in Hickman County, Kentucky; and”.

#### SEC. 808. HARRIET TUBMAN SPECIAL RESOURCE STUDY.

Section 3(c) of the Harriet Tubman Special Resource Study Act (Public Law 106-516; 114 Stat. 2405) is amended by striking “Public Law 91-383” and all that follows through “3501)” and inserting “the National Park System General Authorities Act (16 U.S.C. 1a-5)”.

#### SEC. 809. PUBLIC LAND MANAGEMENT AGENCY FOUNDATIONS.

Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall qualify for General Service Administration contract airfares.

#### SEC. 810. POPULAR NAMES.

(a) NATIONAL PARK SERVICE ORGANIC ACT.—The Act of August 25, 1916 (16 U.S.C. 1 et seq.; popularly known as the “National Park Service Organic Act”) is amended by adding at the end the following new section:

“SEC. 5. This Act may be cited as the ‘National Park Service Organic Act.’”.

(b) NATIONAL PARK SYSTEM GENERAL AUTHORITIES ACT.—Public Law 91-383 (16 U.S.C. 1a-1 et seq.; popularly known as the “National Park System General Authorities Act”) is amended by adding at the end the following new section:

“SEC. 14. This Act may be cited as the ‘National Park System General Authorities Act.’”

#### SEC. 811. PARK POLICE INDEMNIFICATION.

Section 2(b) of the Act of November 6, 2000, (Public Law 106-437; 114 Stat. 1921) is amended by striking “the Act” and inserting “of the Act”.

#### SEC. 812. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.

Section 1029(c)(2)(B)(i) of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4233) is amended by striking “reference” and inserting “referenced”.

#### SEC. 813. NATIONAL HISTORIC PRESERVATION ACT.

Section 5(a)(8) of the National Historic Preservation Act Amendments of 2000 (P.L. 106-208; 114 Stat. 319) is amended by striking “section 110(1)” and inserting “section 110(l)”.

#### SEC. 814. ADDITIONAL TECHNICAL AMENDMENTS TO THE NATIONAL TRAILS SYSTEM ACT.

The National Trails System Act (16 U.S.C. 1241) is amended—

(1) in section 5(c)(19), by striking “Kissimme” and inserting “Kissimmee”;

(2) in section 5(c)(40)(D) by striking “later than” and inserting “later than”;

(3) in the first sentence of section 5(d) by striking “establishment.”; and

(4) in section 10(c)(1) by striking “The Ice Age” and inserting “the Ice Age”.

#### TITLE IX—GOLDEN CHAIN HIGHWAY NATIONAL HERITAGE CORRIDOR STUDY

##### SEC. 401. GOLDEN CHAIN HIGHWAY STUDY.

(a) STUDY.—Not later than 3 years after the date that funds are made available for this section, the Secretary of the Interior, in consultation with affected local governments, the State of California, State and local historic preservation offices, community organizations, and the Golden Chain Council, shall complete a special resource study of

the national significance, suitability, and feasibility of establishing Highway 49 in California, known as the “Golden Chain Highway”, as a National Heritage Corridor.

(b) CONTENTS.—The study shall include an analysis of—

(1) the significance of Highway 49 in American history;

(2) options for preservation and use of the highway;

(3) options for interpretation of significant features associated with the highway; and

(4) private sector preservation alternatives.

(c) BOUNDARIES OF STUDY AREA.—The area studied under this section shall be comprised of Highway 49 in California extending from the city of Oakhurst in Madera County to the city of Tuttletown in Tuolumne County, and lands, structures, and cultural resources within the immediate vicinity of the highway.

(d) REPORT.—Not later than 30 days after completion of the study required by this section, the Secretary shall submit a report describing the results of the study to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

#### TITLE X—AMENDMENTS TO THE VALLES CALDERA PRESERVATION ACT

##### SEC. 1001. AMENDMENTS TO THE VALLES CALDERA PRESERVATION ACT.

The Valles Caldera Preservation Act (16 U.S.C. 698v) is amended—

(1) in section 106(d)(1) by inserting after the first full sentence the following—

“Employees of the Trust may be employed under contract or employment agreement, the terms and conditions of which shall be determined by the Trust in conformance with this subsection.”;

(2) in section 106(d)(2) by adding at the end the following

“(C) RETURN TO COMPETITIVE SERVICE.—Employees of the Trust who have previous service in the competitive service shall not be precluded from consideration for any position open generally to other Federal employees. In considering an employee of the Trust for a position within the competitive service, the employing agency shall consider a position with the Trust to be comparable to a similar position within the competitive service as it relates to classification and General Schedule pay rates.”;

(3) by modifying section 108(g) to read as follows—

“(g) LAW ENFORCEMENT AND FIRE MANAGEMENT.—

“(1) LAW ENFORCEMENT.—The Secretary shall provide law enforcement services under a cooperative agreement with the Trust to the extent generally authorized in other units of the National Forest System. The Trust shall be deemed a Federal agency for purposes of the law enforcement authorities of the Secretary within the meaning of section 15008 of the National Forest System Drug Control Act of 1986 (16 U.S.C. 559(g)).”;

“(2) FIRE MANAGEMENT.—The Secretary shall provide fire suppression and rehabilitation services under a cooperative agreement with the Trust to the extent generally authorized on other units of the National Forest System. At the request of the Trust, the Secretary may provide fire suppression services; except that the Trust shall reimburse the Secretary for salaries and expenses of fire management personnel, commensurate with services provided.”; and

(4) by modifying section 107(e)(2) to read as follows

“(2) COMPENSATION OF TRUSTEES.—Trustees may receive, upon request, compensation for each day (including travel time) that they are engaged in the performance of functions

of the Board. Compensation shall not exceed the daily equivalent of the annual rate in effect for members of the Senior Executive Service at the ES-1 level, and shall be in addition to any reimbursement for travel, subsistence and other necessary expenses incurred by them in the performance of their duties. Members of the Board who are officers or employees of the United States shall not receive any additional compensation by reason of service on the Board.”.

#### TITLE XI—UTAH MUSEUM OF NATURAL HISTORY

##### SEC. 1101. SHORT TITLE.

This title may be cited as the “Utah Public Lands Artifact Preservation Act”.

##### SEC. 1102. FINDINGS.

Congress finds that—

(1) the collection of the Utah Museum of Natural History in Salt Lake City, Utah, includes more than 1,000,000 archaeological, paleontological, zoological, geological, and botanical artifacts;

(2) the collection of items housed by the Museum contains artifacts from land managed by—

(A) the Bureau of Land Management;

(B) the Bureau of Reclamation;

(C) the National Park Service;

(D) the United States Fish and Wildlife Service; and

(E) the Forest Service;

(3) more than 75 percent of the Museum's collection was recovered from federally managed public land; and

(4) the Museum has been designated by the legislature of the State of Utah as the State museum of natural history.

##### SEC. 1103. DEFINITIONS.

In this title:

(1) MUSEUM.—The term “Museum” means the University of Utah Museum of Natural History in Salt Lake City, Utah.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

##### SEC. 1104. ASSISTANCE FOR UNIVERSITY OF UTAH MUSEUM OF NATURAL HISTORY.

(a) ASSISTANCE FOR MUSEUM.—The Secretary shall make a grant to the University of Utah in Salt Lake City, Utah, to pay the Federal share of the costs of construction of a new facility for the Museum, including the design, planning, furnishing, and equipping of the Museum.

(b) GRANT REQUIREMENTS.—

(1) IN GENERAL.—To receive a grant under subsection (b), the Museum shall submit to the Secretary a proposal for the use of the grant.

(2) FEDERAL SHARE.—The Federal share of the costs described in subsection (a) shall not exceed 25 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$15,000,000, to remain available until expended.

**SA 4972.** Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill S. 1894, to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes; as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

#### TITLE I—MIAMI CIRCLE SITE SPECIAL RESOURCE STUDY

##### SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the Tequesta Indians were one of the earliest groups to establish permanent villages in southeast Florida;

(2) the Tequestas had one of only two North American civilizations that thrived and developed into a complex social chiefdom without an agricultural base;

(3) the Tequesta sites that remain preserved today are rare;

(4) the discovery of the Miami Circle, occupied by the Tequesta approximately 2,000 years ago, presents a valuable new opportunity to learn more about the Tequesta culture; and

(5) Biscayne National Park also contains and protects several prehistoric Tequesta sites.

(b) **PURPOSE.**—The purpose of this title is to direct the Secretary to conduct a special resource study to determine the national significance of the Miami Circle site as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park.

#### SEC. 102. DEFINITIONS.

In this title:

(1) **MIAMI CIRCLE.**—The term “Miami Circle” means the Miami Circle archaeological site in Miami-Dade County, Florida.

(2) **PARK.**—The term “Park” means Biscayne National Park in the State of Florida.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

#### SEC. 103. SPECIAL RESOURCE STUDY.

(a) **IN GENERAL.**—Not later than one year after the date funds are made available, the Secretary shall conduct a special resource study as described in subsection (b). In conducting the study, the Secretary shall consult with the appropriate American Indian tribes and other interested groups and organizations.

(b) **COMPONENTS.**—In addition to a determination of national significance, feasibility, and suitability, the special resource study shall include the analysis and recommendations of the Secretary with respect to—

(1) which, if any, particular areas of or surrounding the Miami Circle should be included in the Park;

(2) whether any additional staff, facilities, or other resources would be necessary to administer the Miami Circle as a unit of the Park; and (3) any impact on the local area that would result from the inclusion of Miami Circle in the Park.

(c) **REPORT.**—Not later than 30 days after completion of the study, the Secretary shall submit a report describing the findings and recommendations of the study to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the United States House of Representatives.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this title.

#### TITLE II—MOUNT NEBO WILDERNESS BOUNDARY ADJUSTMENTS

#### SEC. 201. BOUNDARY ADJUSTMENTS, MOUNT NEBO WILDERNESS, UTAH.

(a) **LANDS REMOVED.**—The boundary of the Mount Nebo Wilderness is adjusted to exclude the following:

(1) **MONUMENT SPRINGS.**—The approximately 8.4 acres of land depicted on the Map as “Monument Springs”.

(2) **GARDNER CANYON.**—The approximately 177.8 acres of land depicted on the Map as “Gardner Canyon”.

(3) **BIRCH CREEK.**—The approximately 5.0 acres of land depicted on the Map as “Birch Creek”.

(4) **INGRAM CANYON.**—The approximately 15.4 acres of land depicted on the Map as “Ingram Canyon”.

(5) **WILLOW NORTH A.**—The approximately 3.4 acres of land depicted on the Map as “Willow North A”.

(6) **WILLOW NORTH B.**—The approximately 6.6 acres of land depicted on the Map as “Willow North B”.

(7) **WILLOW SOUTH.**—The approximately 21.5 acres of land depicted on the Map as “Willow South”.

(8) **MENDENHALL CANYON.**—The approximately 9.8 acres of land depicted on the Map as “Mendenhall Canyon”.

(9) **WASH CANYON.**—The approximately 31.4 acres of land depicted on the Map as “Wash Canyon”.

(b) **LANDS ADDED.**—Subject to valid existing rights, the boundary of the Mount Nebo Wilderness is adjusted to include the approximately 293.2 acres of land depicted on the Map for addition to the Mount Nebo Wilderness. The Utah Wilderness Act of 1984 (Public Law 94-428) shall apply to the land added to the Mount Nebo Wilderness pursuant to this subsection.

#### SEC. 202. MAP.

(a) **DEFINITION.**—In this title, the term “Map” means the map entitled “Mt. Nebo Wilderness Boundary Adjustment”, numbered 531, and dated May 29, 2001.

(b) **MAP ON FILE.**—The Map and the final document entitled “Mount Nebo, Proposed Boundary Adjustments, Parcel Descriptions (See Map #531)” and dated June 4, 2001, shall be on file and available for inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(c) **CORRECTIONS.**—The Secretary of Agriculture may make technical corrections to the Map.

#### SEC. 203. TECHNICAL BOUNDARY ADJUSTMENT.

The boundary of the Mount Nebo Wilderness is adjusted to exclude the approximately 21.26 acres of private property located in Andrews Canyon, Utah, and depicted on the Map as “Dale”.

#### TITLE III—BAINBRIDGE ISLAND JAPANESE-AMERICAN MEMORIAL SPECIAL RESOURCE STUDY

#### SEC. 301. FINDINGS.

The Congress finds the following:

(1) During World War II on February 19, 1942, President Franklin Delano Roosevelt signed Executive Order 9066, setting in motion the forced exile of more than 110,000 Japanese Americans.

(2) In Washington State, 12,892 men, women and children of Japanese ancestry experienced three years of incarceration, an incarceration violating the most basic freedoms of American citizens.

(3) On March 30, 1942, 227 Bainbridge Island residents were the first Japanese Americans in United States history to be forcibly removed from their homes by the U.S. Army and sent to internment camps. They boarded the ferry Kehloken from the former Eagledale Ferry Dock, located at the end of Taylor Avenue, in the city of Bainbridge Island, Washington State.

(4) The city of Bainbridge Island has adopted a resolution stating that this site should be a National Memorial, and similar resolutions have been introduced in the Washington State Legislature.

(5) Both the Minidoka National Monument and Manzanar National Historic Site can clearly tell the story of a time in our Nation's history when constitutional rights were ignored. These camps by design were placed in very remote places and are not easily accessible. Bainbridge Island is a short ferry ride from Seattle and the site would be within easy reach of many more people.

(6) This is a unique opportunity to create a site that will honor those who suffered, cherish the friends and community who stood beside them and welcomed them home, and in-

spire all to stand firm in the event our Nation again succumbs to similar fears.

(7) The site should be recognized by the National Park Service based on its high degree of national significance, association with significant events, and integrity of its location and setting. This site is critical as an anchor for future efforts to identify, interpret, serve, and ultimately honor the Nikkei persons of Japanese ancestry-influence on Bainbridge Island.

#### SEC. 302. EAGLEDALE FERRY DOCK LOCATION AT TAYLOR AVENUE STUDY AND REPORT.

(a) **STUDY.**—The Secretary of the Interior shall carry out a special resource study regarding the national significance, suitability, and feasibility of designating as a unit of the National Park System the property commonly known as the Eagledale Ferry Dock at Taylor Avenue and the historical events associated with it, located in the town of Bainbridge Island, Kitsap County, Washington.

(b) **REPORT.**—Not later than three years after funds are first made available for the study under subsection (a), the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings, conclusions, and recommendations of the study.

(c) **REQUIREMENTS FOR STUDY.**—Except as otherwise provided in this section, the study under subsection (a) shall be conducted in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

#### TITLE IV—AMENDMENTS TO HAWAII HOMES COMMISSION ACT

#### SEC. 401. CONSENT TO AMENDMENTS TO HAWAII HOMES COMMISSION ACT, 1920.

In accordance with section 4 of Public Law 86-3 (73 Stat. 4), the United States consents to the following amendment to the Hawaii Homes Commission Act, 1920:

(1) Act 107 of the Session Laws of Hawaii, 2001.

#### TITLE V—WIND CAVE NATIONAL PARK BOUNDARY REVISION

#### SEC. 501. SHORT TITLE.

This title may be cited as the “Wind Cave National Park Boundary Revision Act of 2002”.

#### SEC. 502. DEFINITIONS.

In this title:

(1) **MAP.**—The term “map” means the map entitled “Wind Cave National Park Boundary Revision”, numbered 108/80,030, and dated June 2002.

(2) **PARK.**—The term “Park” means the Wind Cave National Park in the State.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(4) **STATE.**—The term “State” means the State of South Dakota.

#### SEC. 503. LAND ACQUISITION.

(a) **AUTHORITY.**—

(1) **IN GENERAL.**—The Secretary may acquire the land or interest in land described in subsection (b)(1) for addition to the Park.

(2) **MEANS.**—An acquisition of land under paragraph (1) may be made by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(b) **BOUNDARY.**—

(1) **MAP AND ACREAGE.**—The land referred to in subsection (a)(1) shall consist of approximately 5,675 acres, as generally depicted on the map.

(2) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) **REVISION.**—The boundary of the Park shall be adjusted to reflect the acquisition of land under subsection (a)(1).

**SEC. 504. ADMINISTRATION.**

(a) IN GENERAL.—The Secretary shall administer any land acquired under section 503(a)(1) as part of the Park in accordance with laws (including regulations) applicable to the Park.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—The Secretary shall transfer from the Director of the Bureau of Land Management to the Director of the National Park Service administrative jurisdiction over the land described in paragraph (2).

(2) MAP AND ACREAGE.—The land referred to in paragraph (1) consists of the approximately 80 acres of land identified on the map as “Bureau of Land Management land”.

**SEC. 505. GRAZING.**

(a) GRAZING PERMITTED.—Subject to any permits or leases in existence as of the date of acquisition, the Secretary may permit the continuation of livestock grazing on land acquired under section 503(a)(1).

(b) LIMITATION.—Grazing under subsection (a) shall be at not more than the level existing on the date on which the land is acquired under section 503(a)(1).

(c) PURCHASE OF PERMIT OR LEASE.—The Secretary may purchase the outstanding portion of a grazing permit or lease on any land acquired under section 503(a)(1).

(d) TERMINATION OF LEASES OR PERMITS.—The Secretary may accept the voluntary termination of a permit or lease for grazing on any acquired land.

**TITLE VI—GUNNISON NATIONAL PARK AND GUNNISON GORGE NATIONAL CONSERVATION AREA BOUNDARY REVISION****SEC. 601. SHORT TITLE.**

This title may be cited as the “Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Boundary Revision Act of 2002”.

**SEC. 602. BLACK CANYON OF THE GUNNISON NATIONAL PARK BOUNDARY REVISION.**

(a) ESTABLISHMENT.—Section 4(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-2(a)) is amended—

(1) by striking “There is hereby established” and inserting the following:

“(1) IN GENERAL.—There is established”;

and

(2) by adding at the end the following:

“(2) BOUNDARY REVISION.—The boundary of the Park is revised to include the addition of not more than 2,725 acres, as depicted on the map entitled ‘Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications’ and dated June 13, 2002.”.

(b) ADMINISTRATION.—Section 4(b) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-2(b)) is amended—

(1) by striking “Upon” and inserting the following:

“(1) LAND TRANSFER.—

“(A) IN GENERAL.—On”;

(2) by striking “The Secretary shall” and inserting the following:

“(B) ADDITIONAL LAND.—On the date of enactment of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Boundary Revision Act of 2002, the Secretary shall transfer the land under the jurisdiction of the Bureau of Land Management identified as ‘Tract C’ on the map described in subsection (a)(2) to the administrative jurisdiction of the National Park Service for inclusion in the Park.

“(2) AUTHORITY.—The Secretary shall”.

**SEC. 603. GRAZING PRIVILEGES AT BLACK CANYON OF THE GUNNISON NATIONAL PARK.**

Section 4(e) of the Black Canyon of the Gunnison National Park and Gunnison Gorge

National Conservation Area Act of 1999 (16 U.S.C. 410fff-2(e)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(B) by inserting after subparagraph (A) the following:

“(B) TRANSFER.—If land authorized for grazing under subparagraph (A) is exchanged for private land under this Act, the Secretary shall transfer any grazing privileges to the private land acquired in the exchange in accordance with this section.”; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking “and” at the end;

(B) by redesignating subparagraph (B) as subparagraph (D);

(C) by inserting after subparagraph (A) the following:

“(B) with respect to the permit or lease issued to LeValley Ranch Ltd., a partnership, for the lifetime of the 2 limited partners as of October 21, 1999;

“(C) with respect to the permit or lease issued to Sanburg Herefords, L.L.P., a partnership, for the lifetime of the 2 general partners as of October 21, 1999; and”;

(D) in subparagraph (D) (as redesignated by subparagraph (B))—

(i) by striking “partnership, corporation, or” in each place it appears and inserting “corporation or”; and

(ii) by striking “subparagraph (A)” and inserting “subparagraphs (A), (B), or (C)”.

**SEC. 604. ACQUISITION OF LAND.**

(a) AUTHORITY TO ACQUIRE LAND.—Section 5(a)(1) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-3(a)(1)) is amended by inserting “or the map described in section 4(a)(2)” after “the Map”.

(b) METHOD OF ACQUISITION.—

(1) IN GENERAL.—Land or interest in land acquired under the amendments made by this title shall be made in accordance with section 5(a)(2)(A) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-3(a)(2)(A)).

(2) CONSENT.—No land or interest in land may be acquired without the consent of the landowner.

**SEC. 605. GUNNISON GORGE NATIONAL CONSERVATION AREA BOUNDARY REVISION.**

Section 7(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-5(a)) is amended—

(1) by striking “(a) IN GENERAL.—There is established” and inserting the following:

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established”;

and

(2) by adding at the end the following:

“(2) BOUNDARY REVISION.—The boundary of the Conservation Area is revised to include the addition of not more than 7,100 acres, as depicted on the map entitled ‘Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications’ and dated June 13, 2002.”.

**TITLE VII—FRENCH COLONIAL NATIONAL PARK STUDY****SEC. 701. STUDY.**

Not later than 3 years after the date of which funds are made available to carry out this title, the Secretary of the Interior shall, in consultation with the State of Missouri, complete a study on the suitability and feasibility of designating the French Colonial Historic District, including the Bequette-Ribault, St. Gemme-Amoureux, and Wilhawk homes and the related and sup-

porting historical assets in Ste. Genevieve County, Missouri, as a unit of the National Park System, and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report describing the findings of the study.

**SEC. 702. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this title.

**TITLE VIII—COLTSVILLE NATIONAL PARK STUDY****SEC. 801. SHORT TITLE.**

This title may be cited as the “Coltsville Study Act of 2002”.

**SEC. 802. FINDINGS.**

Congress finds that—

(1) Hartford, Connecticut, home to Colt Manufacturing Company (referred to in this title as “Colt”), played a major role in the Industrial Revolution;

(2) Samuel Colt, founder of Colt, and his wife, Elizabeth Colt, inspired Coltsville, a community in the State of Connecticut that flourished during the Industrial Revolution and included Victorian mansions, an open green area, botanical gardens, and a deer park;

(3) the residence of Samuel and Elizabeth Colt in Hartford, Connecticut, known as “Armsmear”, is a national historic landmark, and the distinctive Colt factory is a prominent feature of the Hartford, Connecticut, skyline;

(4) the Colt legacy is not only about firearms, but also about industrial innovation and the development of technology that would change the way of life in the United States, including—

(A) the development of telegraph technology; and

(B) advancements in jet engine technology by Francis Pratt and Amos Whitney, who served as apprentices at Colt;

(5) the influence of Colt extended beyond the United States when Samuel Colt was the first resident of the United States to open a manufacturing plant overseas;

(6) Coltsville—

(A) set the standard for excellence during the Industrial Revolution; and (B) continues to prove significant—

(i) as a place in which people of the United States can learn about that important period in history; and

(ii) by reason of the close proximity of Coltsville to the Mark Twain House, Trinity College, Old North Cemetery, and many historic homesteads and architecturally renowned buildings;

(7) in 1998, the National Park Service conducted a special resource reconnaissance study of the Connecticut River Valley to evaluate the significance of precision manufacturing sites; and

(8) the report on the study stated that—

(A) no other region of the United States contains an equal concentration of resources relating to the precision manufacturing theme that began with firearms production;

(B) properties relating to precision manufacturing encompass more than merely factories; and

(C) further study, which should be undertaken, may recommend inclusion of churches and other social institutions.

**SEC. 803. STUDY.**

(a) IN GENERAL.—Not later than three years after the date on which funds are made available to carry out this title, the Secretary of the Interior (referred to in this title as the “Secretary”) shall complete a study of the site in the State of Connecticut commonly known as “Coltsville” to evaluate—



(1) the national significance of the site and surrounding area;

(2) the suitability and feasibility of designating the site and surrounding area as a unit of the National Park System; and

(3) the importance of the site to the history of precision manufacturing.

(b) **APPLICABLE LAW.**—The study required under subsection (a) shall be conducted in accordance with Public Law 91-383 (16 U.S.C. 1a-1 et seq.).

#### SEC. 804. REPORT.

Not later than 30 days after the date on which the study under section 803(a) is completed, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

#### SEC. 805. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

### TITLE IX—BEAUFORT NATIONAL PARK STUDY

#### SEC. 901. SHORT TITLE.

This title may be cited as the “Beaufort, South Carolina Study Act of 2002”.

#### SEC. 902. DEFINITIONS.

In this title:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(2) **STUDY AREA.**—The term “study area” means the area comprised of historical sites in Beaufort County, South Carolina, relating to the Reconstruction Era, and includes the following sites—

- (A) the Penn School;
- (B) the Old Fort Plantation on the Beaufort River;
- (C) the Freedmen’s Bureau in Beaufort College;
- (D) the First Freedmen’s Village of Mitchellville on Hilton Head Island;
- (E) various historic buildings and archaeological sites associated with Robert Smalls;
- (F) the Beaufort Arsenal; and
- (G) other significant sites relating to the Reconstruction Era.

#### SEC. 903. SPECIAL RESOURCE STUDY.

(a) **IN GENERAL.**—The Secretary shall conduct a special resource study to determine whether the study area or individual sites within it are suitable and feasible for inclusion in the National Park System.

(b) **APPLICABLE LAW.**—The study required under subsection (a) shall be conducted in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available for the study under subsection (a), the Secretary shall submit the study to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

#### SEC. 904. THEME STUDY.

(a) **IN GENERAL.**—The Secretary shall conduct a National Historic Landmark theme study to identify sites and resources throughout the United States that are significant to the Reconstruction Era.

(b) **CONTENTS.**—The theme study shall include recommendations for commemorating and interpreting sites and resources identified by the theme study, including sites for which new national historic landmarks should be nominated, and sites for which further study for potential inclusion in the National Park System is needed.

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available for the study under subsection (a), the Sec-

retary submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes the findings, conclusions, and recommendations of the study.

#### SEC. 905. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this title.

### TITLE X—COLD WAR SITES STUDY

#### SEC. 1001. COLD WAR STUDY.

(a) **SUBJECT OF STUDY.**—The Secretary of the Interior, in consultation with the Secretary of Defense, State historic preservation offices, State and local officials, Cold War scholars, and other interested organizations and individuals, shall conduct a National Historic Landmark theme study to identify sites and resources in the United States that are significant to the Cold War. In conducting the study, the Secretary of the Interior shall—

(1) consider the inventory of sites and resources associated with the Cold War completed by the Secretary of Defense pursuant to section 8120(b)(9) of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1906);

(2) consider historical studies and research of Cold War sites and resources such as intercontinental ballistic missiles, nuclear weapons sites (such as the Nevada test site), flight training centers, manufacturing facilities, communications and command centers (such as Cheyenne Mountain, Colorado), defensive radar networks (such as the Distant Early Warning Line), and strategic and tactical aircraft; and

(3) inventory and consider nonmilitary sites and resources associated with the people, events, and social aspects of the Cold War.

(b) **CONTENTS.**—The study shall include—

(1) recommendations for commemorating and interpreting sites and resources identified by the study, including—

(A) sites for which studies for potential inclusion in the National Park System should be authorized;

(B) sites for which new national historic landmarks should be nominated; and

(C) recommendations on the suitability and feasibility of establishing a central repository for Cold War artifacts and information; and

(D) other appropriate designations;

(2) recommendations for cooperative arrangements with State and local governments, local historical organizations, and other entities; and

(3) cost estimates for carrying out each of those recommendations.

(c) **GUIDELINES.**—THE STUDY SHALL BE—

(1) conducted with public involvement; and

(2) submitted to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate no later than 3 years after the date that funds are made available for the study.

#### SEC. 1002. INTERPRETIVE HANDBOOK ON THE COLD WAR.

Not later than 4 years after funds are made available for that purpose, the Secretary of the Interior shall prepare and publish an interpretive handbook on the Cold War and shall disseminate information gathered through the study through appropriate means in addition to the handbook.

#### SEC. 1003. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$300,000 to carry out this title.

### TITLE XI—PEOPLING OF AMERICA THEME STUDY

#### SEC. 1101. SHORT TITLE.

This title may be cited as the “Peopling of America Theme Study Act”.

#### SEC. 1102. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—Congress finds that—

(1) an important facet of the history of the United States is the story of how the United States was populated;

(2) the migration, immigration, and settlement of the population of the United States—

(A) is broadly termed the “peopling of America”; and

(B) is characterized by—

(i) the movement of groups of people across external and internal boundaries of the United States and territories of the United States; and

(ii) the interactions of those groups with each other and with other populations;

(3) each of those groups has made unique, important contributions to American history, culture, art, and life;

(4) the spiritual, intellectual, cultural, political, and economic vitality of the United States is a result of the pluralism and diversity of the American population;

(5) the success of the United States in embracing and accommodating diversity has strengthened the national fabric and unified the United States in its values, institutions, experiences, goals, and accomplishments;

(6)(A) the National Park Service’s official thematic framework, revised in 1996, responds to the requirement of section 1209 of the Civil War Sites Study Act of 1990 (16 U.S.C. 1a-5 note; title XII of Public Law 101-628), that “the Secretary shall ensure that the full diversity of American history and prehistory are represented” in the identification and interpretation of historic properties by the National Park Service; and

(B) the thematic framework recognizes that “people are the primary agents of change” and establishes the theme of human population movement and change—or “peopling places”—as a primary thematic category for interpretation and preservation; and

(7) although there are approximately 70,000 listings on the National Register of Historic Places, sites associated with the exploration and settlement of the United States by a broad range of cultures are not well represented.

(b) **PURPOSES.**—The purposes of this title are—

(1) to foster a much-needed understanding of the diversity and contribution of the breadth of groups who have peopled the United States; and

(2) to strengthen the ability of the National Park Service to include groups and events otherwise not recognized in the peopling of the United States.

#### SEC. 1103. DEFINITIONS.

In this title:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(2) **THEME STUDY.**—The term “theme study” means the national historic landmark theme study required under section 1104.

(3) **PEOPLING OF AMERICA.**—The term “peopling of America” means the migration, immigration, and settlement of the population of the United States.

#### SEC. 1104. NATIONAL HISTORIC LANDMARK THEME STUDY ON THE PEOPLING OF AMERICA.

(a) **THEME STUDY REQUIRED.**—The Secretary shall prepare and submit to Congress a national historic landmark theme study on the peopling of America.

(b) **PURPOSE.**—The purpose of the theme study shall be to identify regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures that—

(1) best illustrate and commemorate key events or decisions affecting the peopling of America; and

(2) can provide a basis for the preservation and interpretation of the peopling of America that has shaped the culture and society of the United States.

(c) IDENTIFICATION AND DESIGNATION OF POTENTIAL NEW NATIONAL HISTORIC LANDMARKS.—

(1) IN GENERAL.—The theme study shall identify and recommend for designation new national historic landmarks.

(2) LIST OF APPROPRIATE SITES.—The theme study shall—

(A) include a list, in order of importance or merit, of the most appropriate sites for national historic landmark designation; and

(B) encourage the nomination of other properties to the National Register of Historic Places.

(3) DESIGNATION.—On the basis of the theme study, the Secretary shall designate new national historic landmarks.

(d) NATIONAL PARK SYSTEM.—

(1) IDENTIFICATION OF SITES WITHIN CURRENT UNITS.—The theme study shall identify appropriate sites within units of the National Park System at which the peopling of America may be interpreted.

(2) IDENTIFICATION OF NEW SITES.—On the basis of the theme study, the Secretary shall recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(e) CONTINUING AUTHORITY.—After the date of submission to Congress of the theme study, the Secretary shall, on a continuing basis, as appropriate to interpret the peopling of America—

(1) evaluate, identify, and designate new national historic landmarks; and

(2) evaluate, identify, and recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(f) PUBLIC EDUCATION AND RESEARCH.—

(1) LINKAGES.—

(A) ESTABLISHMENT.—On the basis of the theme study, the Secretary may identify appropriate means for establishing linkages—

(i) between—

(I) regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsections (b) and (d); and

(II) groups of people; and

(ii) between—

(I) regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsection (b); and

(II) units of the National Park System identified under subsection (d).

(B) PURPOSE.—The purpose of the linkages shall be to maximize opportunities for public education and scholarly research on the peopling of America.

(2) COOPERATIVE ARRANGEMENTS.—On the basis of the theme study, the Secretary shall, subject to the availability of funds, enter into cooperative arrangements with State and local governments, educational institutions, local historical organizations, communities, and other appropriate entities to preserve and interpret key sites in the peopling of America.

(3) EDUCATIONAL INITIATIVES.—

(A) IN GENERAL.—The documentation in the theme study shall be used for broad educational initiatives such as—

(i) popular publications;

(ii) curriculum material such as the Teaching with Historic Places program;

(iii) heritage tourism products such as the National Register of Historic Places Travel Itineraries program; and

(iv) oral history and ethnographic programs.

(B) COOPERATIVE PROGRAMS.—On the basis of the theme study, the Secretary shall im-

plement cooperative programs to encourage the preservation and interpretation of the peopling of America.

#### SEC. 1105. COOPERATIVE AGREEMENTS.

The Secretary may enter into cooperative agreements with educational institutions, professional associations, or other entities knowledgeable about the peopling of America—

(1) to prepare the theme study;

(2) to ensure that the theme study is prepared in accordance with generally accepted scholarly standards; and

(3) to promote cooperative arrangements and programs relating to the peopling of America.

#### SEC. 1106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

**SA 4973.** Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 980, an act to establish the Moccasin Bend National Archeological District in the State of Tennessee as a unit of Chickamauga and Chattanooga National Park; as follows:

Strike all after the enacting clause and insert the following:

#### TITLE I—MOCCASIN BEND NATIONAL ARCHEOLOGICAL DISTRICT

##### SEC. 101. SHORT TITLE.

This title may be cited as the “Moccasin Bend National Archeological District Act”.

##### SEC. 102. DEFINITIONS.

As used in this title:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) ARCHEOLOGICAL DISTRICT.—The term “archeological district” means the Moccasin Bend National Archeological District.

(3) STATE.—The term “State” means the State of Tennessee.

(4) MAP.—The term “Map” means the map entitled “Boundary Map, Moccasin Bend National Archeological District”, numbered 301/80098, and dated September 2002.

##### SEC. 103. ESTABLISHMENT.

(a) IN GENERAL.—In order to preserve, protect, and interpret for the benefit of the public the nationally significant archeological and historic resources located on the peninsula known as Moccasin Bend, Tennessee, there is established as a unit of Chickamauga and Chattanooga National Military Park, the Moccasin Bend National Archeological District.

(b) BOUNDARIES.—The archeological district shall consist of approximately 780 acres generally depicted on the Map. The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(c) ACQUISITION OF LAND AND INTERESTS IN LAND.—

(1) IN GENERAL.—The Secretary may acquire by donation, purchase from willing sellers using donated or appropriated funds, or exchange, lands and interests in lands within the exterior boundary of the archeological district. The Secretary may acquire the State, county and city-owned land and interests in land for inclusion in the archeological district only by donation.

(2) EASEMENT OUTSIDE BOUNDARY.—To allow access between areas of the archeological district that on the date of enactment of this title are noncontiguous, the Secretary may acquire by donation or purchase from willing owners using donated or appropriated funds, or exchange, easements connecting the areas generally depicted on the Map.

##### SEC. 104. ADMINISTRATION.

(a) IN GENERAL.—The archeological district shall be administered by the Secretary in ac-

cordance with this title, with laws applicable to Chickamauga and Chattanooga National Military Park, and with the laws generally applicable to units of the National Park System.

(b) COOPERATIVE AGREEMENT.—The Secretary may consult and enter into cooperative agreements with culturally affiliated federally recognized Indian tribes, governmental entities, and interested persons to provide for the restoration, preservation, development, interpretation, and use of the archeological district.

(c) VISITOR INTERPRETIVE CENTER.—For purposes of interpreting the historical themes and cultural resources of the archeological district, the Secretary may establish and administer a visitor center in the archeological district.

(d) GENERAL MANAGEMENT PLAN.—Not later than three years after funds are made available for this purpose, the Secretary shall develop a general management plan for the archeological district. The general management plan shall describe the appropriate protection and preservation of natural, cultural, and scenic resources, visitor use, and facility development within the archeological district consistent with the purposes of this title, while ensuring continued access to private landowners to their property.

#### SEC. 105. REPEAL OF PREVIOUS ACQUISITION AUTHORITY.

The Act of August 3, 1950 (Chapter 532; 16 U.S.C. 424a–4), is repealed.

#### TITLE II—FORT BAYARD NATIONAL HISTORIC LANDMARK ACT

##### SEC. 201. SHORT TITLE.

This title may be cited as the “Fort Bayard National Historic Landmark Act”.

##### SEC. 202. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) Fort Bayard, located in southwest New Mexico, was an Army post from 1866 until 1899, and served an important role in the settlement of New Mexico;

(2) among the troops stationed at the fort were several ‘Buffalo Soldier’ units who fought in the Apache Wars;

(3) following its closure as a military post, Fort Bayard was established by the War Department as general hospital for use as a military sanatorium;

(4) in 1965 the State of New Mexico assumed management of the site and currently operates the Fort Bayard State Hospital;

(5) the Fort Bayard historic site has been listed on the National Register of Historic Places in recognition of the national significance of its history, both as a military fort and as an historic medical facility.

##### SEC. 203. FORT BAYARD NATIONAL HISTORIC LANDMARK.

(a) DESIGNATION.—The Fort Bayard Historic District in Grant County, New Mexico, as listed on the National Register of Historic Places, is hereby designated as the Fort Bayard National Historic Landmark.

(b) ADMINISTRATION.—

(1) Consistent with the Department of the Interior’s regulations concerning National Historic Landmarks (36 CFR Part 65), designation of the Fort Bayard Historic District as a National Historic Landmark shall not prohibit under Federal law or regulations any actions which may otherwise be taken by the property owner with respect to the property.

(2) Nothing in this title shall affect the administration of the Fort Bayard Historic District by the State of New Mexico.

##### SEC. 204. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—The Secretary, in consultation with the State of New Mexico, may enter into cooperative agreements with appropriate public or private entities, for the

purposes of protecting historic resources at Fort Bayard and providing educational and interpretive facilities and programs for the public. The Secretary shall not enter into any agreement or provide assistance to any activity affecting Fort Bayard State Hospital without the concurrence of the State of New Mexico.

(b) **TECHNICAL AND FINANCIAL ASSISTANCE.**—The Secretary may provide technical and financial assistance with any entity with which the Secretary has entered into a cooperative agreement under subsection (a) in furtherance of the agreement.

#### **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated such sums as may be necessary to carry out this title.

### **TITLE III—VIRGIN RIVER DINOSAUR FOOTPRINT PRESERVE**

#### **SEC. 301. SHORT TITLE.**

This title may be cited as the “Virgin River Dinosaur Footprint Preserve Act”.

#### **SEC. 302. VIRGIN RIVER DINOSAUR FOOTPRINT PRESERVE.**

(a) **AUTHORIZATION FOR GRANT TO PURCHASE PRESERVE.**—Of the funds appropriated in the section entitled “Land Acquisition” of the Fiscal Year 2002 Interior and Related Agencies Appropriations Act, Public Law 107-63, the Secretary of the Interior shall grant \$500,000 to the City for—

(1) the purchase of up to 10 acres of land within the area generally depicted as the “Preserve Acquisition Area” on the map entitled “Map B” and dated May 9, 2002; and

(2) the preservation of such land and paleontological resources.

(b) **CONDITIONS OF GRANT.**—The grant under subsection (a) shall be made only after the City agrees to the following conditions:

(1) **USE OF LAND.**—The City shall use the Virgin River Dinosaur Footprint Preserve in a manner that accomplishes the following:

(A) Preserves and protects the paleontological resources located within the exterior boundaries of the Virgin River Dinosaur Footprint Preserve.

(B) Provides opportunities for scientific research in a manner compatible with subparagraph (A).

(C) Provides the public with opportunities for educational activities in a manner compatible with subparagraph (A).

(2) **REVERTER.**—If at any time after the City acquires the Virgin River Dinosaur Footprint Preserve, the Secretary determines that the City is not substantially in compliance with the conditions described in paragraph (1), all right, title, and interest in and to the Virgin River Dinosaur Footprint Preserve shall immediately revert to the United States, with no further consideration on the part of the United States, and such property shall then be under the administrative jurisdiction of the Secretary of the Interior.

(3) **CONDITIONS TO BE CONTAINED IN DEED.**—If the City attempts to transfer title to the Virgin River Dinosaur Footprint Preserve (in whole or in part), the conditions set forth in this subsection shall transfer with such title and shall be enforceable against any subsequent owner of the Virgin River Dinosaur Footprint Preserve (in whole or in part).

(c) **COOPERATIVE AGREEMENT AND ASSISTANCE.**—

(1) **ASSISTANCE.**—The Secretary may provide to the City—

(A) financial assistance, if the Secretary determines that such assistance is necessary for protection of the paleontological resources located within the exterior boundaries of the Virgin River Dinosaur Footprint Preserve; and

(B) technical assistance to assist the City in complying with subparagraphs (A) through (C) of subsection (b)(1).

(2) **ADDITIONAL GRANTS.**—

(A) **IN GENERAL.**—In addition to funds made available under subsection (a) and paragraph (2) of this subsection, the Secretary may provide grants to the City to carry out its duties under the cooperative agreement entered into under paragraph (1).

(B) **LIMITATION ON AMOUNT; REQUIRED NON-FEDERAL MATCH.**—Grants under subparagraph (A) shall not exceed \$500,000 and shall be provided only to the extent that the City matches the amount of such grants with non-Federal contributions (including in-kind contributions).

(d) **MAP ON FILE.**—The map shall be on file and available for public inspection in the appropriate offices of the Department of the Interior.

(e) **DEFINITIONS.**—For the purposes of this section, the following definitions apply:

(1) **CITY.**—The term “City” means the city of St. George, Utah.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **VIRGIN RIVER DINOSAUR FOOTPRINT PRESERVE.**—The term “Virgin River Dinosaur Footprint Preserve” means the property (and all facilities and other appurtenances thereon) described in subsection (a).

### **TITLE IV—ARCHEOLOGICAL AND CULTURAL HERITAGE PROTECTION**

#### **SEC. 401. SHORT TITLE.**

This title may be cited as the “Enhanced Protection of Our Cultural Heritage Act of 2002”.

#### **SEC. 402. ENHANCED PENALTIES FOR CULTURAL HERITAGE CRIMES.**

(a) **ENHANCED PENALTY FOR ARCHAEOLOGICAL RESOURCES.**—Section 6(d) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470ee(d)) is amended by striking “not more than 10,000” and all that follows through the end of the subsection and inserting “in accordance with title 18, United States Code, or imprisoned not more than ten years or both; but if the sum of the commercial and archaeological value of the archaeological resources involved and the cost of restoration and repair of such resources does not exceed \$500, such person shall be fined in accordance with title 18, United States Code, or imprisoned not more than one year, or both.”.

(b) **ENHANCED PENALTY FOR EMBEZZLEMENT AND THEFT FROM INDIAN TRIBAL ORGANIZATIONS.**—Section 1163 of title 18, United States Code, is amended by striking “five years” and inserting “10 years”.

(c) **ENHANCED PENALTY FOR ILLEGAL TRAFFICKING IN NATIVE AMERICAN HUMAN REMAINS AND CULTURAL ITEMS.**—Section 1170 of title 18, United States Code, is amended—

(1) in subsection (a), by striking “or imprisoned not more than 12 months, or both, and in the case of second or subsequent violation, be fined in accordance with this title, or imprisoned not more than 5 years” and inserting “imprisoned not more than 10 years”; and

(2) in subsection (b), by striking “imprisoned not more than one year” and all that follows through the end of the subsection and inserting “imprisoned not more than 10 years, or both; but if the sum of the commercial and archaeological value of the cultural items involved and the cost of restoration and repair of such items does not exceed \$500, such person shall be fined in accordance with this title, imprisoned not more than one year, or both.”.

### **TITLE V—PALEONTOLOGICAL RESOURCES PRESERVATION ACT**

#### **SEC. 501. SHORT TITLE.**

This title may be cited as the “Paleontological Resources Preservation Act”.

#### **SEC. 502. FINDINGS.**

The Congress finds the following:

(1) Paleontological resources are non-renewable. Such resources on Federal lands are an accessible and irreplaceable part of the heritage of the United States and offer significant educational opportunities to all citizens.

(2) Existing Federal laws, statutes, and other provisions that manage paleontological resources are not articulated in a unified national policy for Federal land management agencies and the public. Such a policy is needed to improve scientific understanding, to promote responsible stewardship, and to facilitate the enhancement of responsible paleontological collecting activities on Federal lands.

(3) Consistent with the statutory provisions applicable to each Federal land management system, reasonable access to paleontological resources on Federal lands should be provided for scientific, educational, and recreational purposes.

#### **SEC. 503. PURPOSE.**

The purpose of this title is to establish a comprehensive national policy for preserving and managing paleontological resources on Federal lands.

#### **SEC. 504. DEFINITIONS.**

As used in this title:

(1) **CASUAL COLLECTING.**—The term “casual collecting” means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for personal, scientific, educational or recreational use, either by surface collection or using non-powered hand tools resulting in only negligible disturbance to the Earth’s surface and other resources.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior with respect to lands administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System Lands administered by the Secretary of Agriculture.

(3) **FEDERAL LANDS.**—The term “Federal lands” means lands administered by the Secretary of the Interior, except Indian lands, or National Forest System Lands administered by the Secretary of Agriculture.

(4) **INDIAN LANDS.**—The term “Indian Lands” means lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

(5) **STATE.**—The term “State” means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(6) **PALEONTOLOGICAL RESOURCE.**—The term “paleontological resource” means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth’s crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include—

(A) any materials associated with an archaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)); or

(B) any cultural item (as defined in section 2 of the Native American Graves Protection and Rehabilitation Act (25 U.S.C. 3001)).

#### **SEC. 505. MANAGEMENT.**

(a) **IN GENERAL.**—The Secretary shall manage and protect paleontological resources on Federal lands using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and

the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize inter-agency coordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

(b) **COORDINATION OF IMPLEMENTATION.**—To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this title.

**SEC. 506. PUBLIC AWARENESS AND EDUCATION PROGRAM.**

The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

**SEC. 507. COLLECTION OF PALEONTOLOGICAL RESOURCES.**

(a) **PERMIT REQUIREMENT.**—

(1) **IN GENERAL.**—Except as provided in this title, a paleontological resource may not be collected from Federal lands without a permit issued under this Title by the Secretary.

(2) **CASUAL COLLECTING EXCEPTION.**—The Secretary may allow casual collecting without a permit on Federal lands administered by the Bureau of Land Management, the Bureau of Reclamation, and the U.S. Forest Service, where such collection is not inconsistent with the laws governing the management of those Federal lands and this title.

(3) **PREVIOUS PERMIT EXCEPTION.**—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this title.

(b) **CRITERIA FOR ISSUANCE OF A PERMIT.**—The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

(1) the applicant is qualified to carry out the permitted activity;

(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

(3) the permitted activity is consistent with any management plan applicable to the Federal lands concerned; and

(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

(c) **PERMIT SPECIFICATIONS.**—A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this title. Every permit shall include requirements that—

(1) the paleontological resource that is collected from Federal lands under the permit will remain the property of the United States;

(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

(d) **MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.**—

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 509 or is assessed a civil penalty under section 510 of this title.

(e) **AREA CLOSURES.**—In order to protect paleontological or other resources and to

provide for public safety, the Secretary may restrict access to or close areas under the Secretary's jurisdiction to the collection of paleontological resources.

**SEC. 508. CURATION OF RESOURCES.**

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

**SEC. 509. PROHIBITED ACTS; PENALTIES.**

(a) **IN GENERAL.**—A person may not—

(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal lands unless such activity is conducted in accordance with this title;

(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have been excavated, removed, exchanged, transported, or received from Federal lands in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this Title; or

(3) sell or purchase or offer to sell or purchase any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal lands.

(b) **FALSE LABELING OFFENSES.**—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal lands.

(c) **PENALTIES.**—

(1) **IN GENERAL.**—Except as provided in paragraphs (2) and (3), a person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be guilty of a class A misdemeanor.

(2) **DAMAGE OVER \$1,000.**—If the sum of the scientific or fair market value of the paleontological resources involved and the cost of restoration and repair of such resources exceeds the sum of \$1,000, such person shall, upon conviction, be guilty of a class E felony.

(3) **MULTIPLE OFFENSES.**—In the case of a second or subsequent such violation, such person shall, upon conviction, be guilty of a class D felony.

(d) **GENERAL EXCEPTION.**—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of the enactment of this title.

**SEC. 510. CIVIL PENALTIES FOR VIOLATIONS OF REGULATIONS OR PERMIT CONDITIONS.**

(a) **IN GENERAL.**—

(1) **HEARING.**—A person who violates any prohibition contained in an applicable regulation or permit issued under this Title may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

(2) **AMOUNT OF PENALTY.**—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this title, taking into account the following factors:

(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved.

(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

(C) Any other factors considered relevant by the Secretary assessing the penalty.

(3) **MULTIPLE OFFENSES.**—In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

(4) **LIMITATION.**—The amount of any penalty assessed under this subsection for any one violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

(b) **PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS.**—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order with an appropriate Federal district court within the 30-day period beginning on the date the order making the assessment was issued. The court shall hear the action on the record made before the Secretary and shall sustain his action if it is supported by substantial evidence on the record considered as a whole.

(c) **HEARINGS.**—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

(d) **USE OF RECOVERED AMOUNTS.**—No penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, or to acquire sites with equivalent resources, and to protect, monitor, and study the resources and sites. Any acquisition shall be subject to any limitations contained in the organic legislation for such Federal lands.

(2) To provide educational materials to the public about paleontological resources and sites.

(3) To provide for the payment of Rewards as provided in section 511.

**SEC. 511. REWARDS FORFEITURE.**

(a) **REWARDS.**—The Secretary may pay from penalties collected under section 509 or 510 of this title an amount equal to the lesser of one-half of the penalty or \$500, to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided the information, the amount shall be divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) **FORFEITURE.**—All paleontological resources with respect to which a violation under section 509 or 510 occurred and which are in the possession of any person, and all vehicles and equipment of any person that were used in connection with the violation, may be subject to forfeiture to the United States upon—

(1) the person's conviction of the violation under section 509;

(2) assessment of a civil penalty against any person under section 510 with respect to the violation; or

(3) a determination by any court that the paleontological resources, vehicles, or equipment were involved in the violation.

**SEC. 512. CONFIDENTIALITY.**

Information concerning the nature and specific location of a paleontological resource the collection of which requires a permit under this Title or under any other provision of Federal law shall be withheld from the public under subchapter II of chapter 5 of

title 5, United States Code, or under any other provision of law unless the responsible Secretary determines that disclosure would—

- (1) further the purposes of this title;
- (2) not create risk of harm to or theft or destruction of the resource or the site containing the resource; and
- (3) be in accordance with other applicable laws.

#### SEC. 513. REGULATIONS.

As soon as practical after the date of the enactment of this title, the Secretary shall issue such regulations as are appropriate to carry out this title, providing opportunities for public notice and comment.

#### SEC. 514. SAVINGS PROVISIONS.

Nothing in this title shall be construed to—

- (1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned laws including but not limited to the Federal Land Policy Management Act (43 U.S.C. 1701-1784), the Mining in the Parks Act, the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201-1358), and the Organic Administration Act (16 U.S.C. 478, 482, 551);

- (2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time existing laws and authorities relating to reclamation and multiple uses of the public lands;

- (3) apply to, or require a permit for, amateur collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this title;

- (4) affect any lands other than Federal lands or affect the lawful recovery, collection, or sale of paleontological resources from lands other than Federal lands;

- (5) alter or diminish the authority of a Federal agency under any other law to provide protection for paleontological resources on Federal lands in addition to the protection provided under this title; or

- (6) create any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in that capacity. No person who is not an officer or employee of the United States acting in that capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this title.

#### SEC. 515. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this title.

**SA 4974.** Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 37, to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails; as follows:

Strike all after the enacting clause and insert the following:

#### TITLE I—NATIONAL HISTORIC TRAILS STUDIES

#### SEC. 101. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.

Section 5 of the National Trails System Act (16 U.S.C. 1244) is amended by inserting the following new subsection:

“(g) The Secretary shall revise the feasibility and suitability studies for certain national trails for consideration of possible additions to the trails.

“(1) IN GENERAL.—

“(A) DEFINITIONS.—In this subsection:

“(i) ROUTE.—The term ‘route’ includes a trail segment common known as a cutoff.

“(ii) SHARED ROUTE.—The term ‘shared’ route means a route that was a segment of more than one historic trail, including a route shared with an existing national historic trail.

“(B) STUDY REQUIREMENTS AND OBJECTIVES.—The study requirements and objectives specified in subsection (b) shall apply to a study required by this subsection.

“(C) COMPLETION AND SUBMISSION OF STUDY.—A study listed in this subsection shall be completed and submitted to the Congress not later than three complete fiscal years from the date of the enactment of this subsection, or from the date of the enactment of the addition of the study to this subsection, whichever is later.

“(2) OREGON NATIONAL HISTORIC TRAIL.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other routes of the Oregon Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the Oregon National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(i) Whitman Mission route.—

“(ii) Upper Columbia River.

“(iii) Cowlitz River route.

“(iv) Meek cutoff.

“(v) Free Emigrant Road.

“(vi) North Alternate Oregon Trail.

“(vii) Goodale’s cutoff.

“(viii) North Side alternate route.

“(ix) Cutoff to Barlow Road.

“(x) Naches Pass Trail.

“(3) PONY EXPRESS NATIONAL HISTORIC TRAIL.—The Secretary of the Interior shall undertake a study of the approximately 20-mile southern alternative route of the Pony Express Trail from Wathena, Kansas, to Troy, Kansas, and such other routes of the Pony Express Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the Pony Express National Historic Trail.

“(4) CALIFORNIA NATIONAL HISTORIC TRAIL.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the Missouri Valley, central, and western routes of the California Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other and shared Missouri Valley, central, and western routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the California National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(i) MISSOURI VALLEY ROUTES.—

“(I) Blue Mills-Independence Road.

“(II) Westport Landing Road.

“(III) Westport-Lawrence Road.

“(IV) Fort Leavenworth-Blue River route.

“(V) Road to Amazonia.

“(VI) Union Ferry Route.

“(VII) Old Wyoming-Nebraska City cutoff.

“(VIII) Lower Plattsmouth Route.

“(IX) Lower Bellevue Route.

“(X) Woodbury cutoff.

“(XI) Blue Ridge cutoff.

“(XII) Westport Road.

“(XIII) Gum Springs-Fort Leavenworth route.

“(XIV) Atchison/Independence Creek routes.

“(XV) Fort Leavenworth-Kansas River route.

“(XVI) Nebraska City cutoff routes.

“(XVII) Minersville-Nebraska City Road.

“(XVIII) Upper Plattsmouth route.

“(XIX) Upper Bellevue route.

“(ii) CENTRAL ROUTES.—

“(I) Cherokee Trail, including splits.

“(II) Weber Canyon route of Hastings cutoff.

“(III) Bishop Creek cutoff.

“(IV) McAuley cutoff.

“(V) Diamond Springs cutoff.

“(VI) Secret Pass.

“(VII) Greenhorn cutoff.

“(VIII) Central Overland Trail.

“(iii) WESTERN ROUTES.—

“(I) Bidwell-Bartleson route.

“(II) Georgetown/Dagget Pass Trail.

“(III) Big Trees Road.

“(IV) Grizzly Flat cutoff.

“(V) Nevada City Road.

“(VI) Yreka Trail.

“(VII) Henness Pass route.

“(VIII) Johnson cutoff.

“(IX) Luther Pass Trail.

“(X) Volcano Road.

“(XI) Sacramento-Coloma Wagon Road.

“(XII) Burnett cutoff.

“(XIII) Placer County Road to Auburn.

“(5) MORMON PIONEER NATIONAL HISTORIC TRAIL.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Mormon Pioneer Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other routes of the Mormon Pioneer Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the Mormon Pioneer National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(i) 1846 Subsequent routes A and B (Lucas and Clarke Counties, Iowa).

“(ii) 1856-57 Handcart route (Iowa City to Council Bluffs).

“(iii) Keokuk route (Iowa).

“(iv) 1847 Alternative Elkhorn and Loup River Crossings in Nebraska.

“(v) Fort Leavenworth Road; Ox Bow route and alternates in Kansas and Missouri (Oregon and California Trail routes used by Mormon emigrants).

“(vi) 1850 Golden Pass Road in Utah.

“(6) SHARED CALIFORNIA AND OREGON TRAIL ROUTES.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the shared routes of the California Trail and Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as shared components of the California National Historic Trail and the Oregon National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(i) St. Joe Road.

“(ii) Council Bluffs Road.

“(iii) Sublette cutoff.

“(iv) Applegate route.

“(v) Old Fort Kearny Road (Oxbow Trail).  
 “(vi) Childs cutoff.  
 “(vii) Raft River to Applegate.”

## TITLE II—NATIONAL TRAILS SYSTEM ACQUISITION AUTHORITIES

### SEC. 201. SHORT TITLE.

This title may be cited as the “National Trails System Willing Seller Act”.

### SEC. 202. FINDINGS.

The Congress finds the following:

(1) In spite of commendable efforts by State and local governments and private volunteer trail groups to develop, operate, and maintain the national scenic and national historic trails designated by Act of Congress in section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)), the rate of progress towards developing and completing the trails is slower than anticipated.

(2) Nine of the twelve national scenic and historic trails designated between 1978 and 1986 are subject to restrictions totally excluding Federal authority for land acquisition outside the exterior boundaries of any federally administered area, including the North Country National Scenic Trail, the Ice Age National Scenic Trail, and the Potomac Heritage National Scenic Trail.

(3) To complete the North Country National Scenic Trail, the Ice Age National Scenic Trail, and the Potomac Heritage National Scenic Trail as intended by Congress, acquisition authority to secure necessary rights-of-way and historic sites and segments, limited to acquisition from willing sellers only, and specifically excluding the use of condemnation, should be extended to the Secretary of the Federal department administering these trails.

### SEC. 203. SENSE OF THE CONGRESS REGARDING MULTIJURISDICTIONAL AUTHORITY OVER THE NATIONAL TRAILS SYSTEM.

It is the sense of the Congress that in order to address the problems involving multi-jurisdictional authority over the National Trails System, the Secretary of the Federal department with jurisdiction over a national scenic or historic trail should—

(1) cooperate with appropriate officials of each State and political subdivisions of each State in which the trail is located and private persons with an interest in the trail to pursue the development of the trail; and

(2) be granted sufficient authority to purchase lands and interests in lands from willing sellers that are critical to the completion of the trail.

### SEC. 204. AUTHORITY TO ACQUIRE LANDS FROM WILLING SELLERS FOR CERTAIN TRAILS OF THE NATIONAL TRAILS SYSTEM ACT.

(a) LIMITED ACQUISITION AUTHORITY.—

(1) NORTH COUNTRY NATIONAL SCENIC TRAIL.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended by adding at the end: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.”

(2) ICE AGE NATIONAL SCENIC TRAIL.—Section 5(a)(10) of the National Trails System Act (16 U.S.C. 1244(a)(10)) is amended by adding at the end: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.”

(3) POTOMAC HERITAGE NATIONAL SCENIC TRAIL.—Section 5(a)(11) of the National Trails System Act (16 U.S.C. 1244(a)(11)) is amended by adding at the end: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.”

(b) CONFORMING AMENDMENT.—Section 10(c)(1) of the National Trails System Act (16

U.S.C. 1249(c)(1)) is amended by striking “the North Country National Scenic Trail, The Ice Age National Scenic Trail.”

## TITLE III—OLD SPANISH TRAIL NATIONAL HISTORIC TRAIL

### SEC. 301. SHORT TITLE.

This title may be cited as the “Old Spanish Trail Recognition Act of 2002”.

### SEC. 302. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended—

(1) by redesignating the second paragraph (21) as paragraph (22); and

(2) by adding at the end the following:

“(23) OLD SPANISH NATIONAL HISTORIC TRAIL.—

“(A) IN GENERAL.—The Old Spanish National Historic Trail, an approximately 2,700 mile long trail extending from Santa Fe, New Mexico, to Los Angeles, California, that served as a major trade route between 1829 and 1848, as generally depicted on the maps numbered 1 through 9, as contained in the report entitled ‘Old Spanish Trail National Historic Trail Feasibility Study’, dated July 2001, including the Armijo Route, Northern Route, North Branch, and Mojave Road”.

“(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the appropriate offices of the Department of the Interior.”

“(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior (referred to in this paragraph as the ‘Secretary’).

“(D) LAND ACQUISITION.—The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.

“(E) CONSULTATION.—The Secretary shall consult with other Federal, State, local, and tribal agencies in the administration of the trail.

“(F) ADDITIONAL ROUTES.—The Secretary may designate additional routes to the trail if—

“(i) the additional routes were included in the Old Spanish Trail National Historic Trail Feasibility Study, but were not recommended for designation as a national historic trail; and

“(ii) the Secretary determines that the additional routes were used for trade and commerce between 1829 and 1848.”

## TITLE IV—LEWIS AND CLARK NATIONAL HISTORIC TRAIL ADDITION

### SEC. 401. SHORT TITLE.

This title may be cited as the “Lewis and Clark National Historic Trail Amendments Act of 2002”.

### SEC. 402. FINDINGS.

Congress finds that—

(1) the National Trails System—

(A) was established in 1968 to—

(i) provide additional recreational opportunities to the people of the United States; and

(ii) preserve access to outdoor areas and historical resources of the United States; and

(B) since 1968, has been modified to—

(i) recognize new categories of trails; and

(ii) expand trails;

(2) the Lewis and Clark National Historic Trail, as designated in 1978, omits several historically significant sites relating to the Lewis and Clark Expedition;

(3) Meriwether Lewis and William Clark gathered at the Falls of the Ohio, located in Clarksville, Indiana, and Louisville, Kentucky, to plan and prepare for the expedition;

(4) the Falls of the Ohio was also the site at which—

(A) Lewis and Clark selected the first enlisted members of the expedition; and

(B) those members were sworn into the Army at a ceremony witnessed by General George Rogers Clark;

(5) on July 13, 2001, the National Park Service certified the Falls of the Ohio as an official Lewis and Clark site associated with the Lewis and Clark National Historic Trail;

(6) on July 22, 2002, the National Park Service certified historic Locust Grove in Louisville, Kentucky, as an official Lewis and Clark site associated with the Lewis and Clark National Historic Trail;

(7) the National Council of the Lewis and Clark Bicentennial has designated the Falls of the Ohio as a national signature event site at which to commemorate, during October 2003, the bicentennial of events in the area relating to the Lewis and Clark Expedition; and

(8) the areas in and around Clarksville, Indiana, and Louisville, Kentucky, including the Falls of the Ohio—

(A) are the sites of events that were significant to the Lewis and Clark Expedition; and

(B) should be recognized and protected as components of the Lewis and Clark National Historic Trail.

### SEC. 403. EXTENSION OF LEWIS AND CLARK NATIONAL HISTORIC TRAIL.

Section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)) is amended—

(1) by striking “(6) The” and inserting the following:

“(6) LEWIS AND CLARK NATIONAL HISTORIC TRAIL.—

“(A) IN GENERAL.—The”; and

(2) by inserting after subparagraph (A) (as designated by paragraph (1)) the following:

“(B) ADDITIONAL ROUTE.—In addition to the route described in subparagraph (A), the Lewis and Clark National Historic Trail shall include the route traveled by Meriwether Lewis and William Clark from the Falls of the Ohio, located in Clarksville, Indiana, and Louisville, Kentucky, to Wood River, Illinois.”

**SA 4975.** Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill S. 198, to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, non-native weeds on public and private land; as follows:

Strike all after the enacting clause and insert the following:

## TITLE I.—NOXIOUS WEED CONTROL ACT OF 2002

### SEC. 101. SHORT TITLE.

This title may be cited as the “Noxious Weed Control Act of 2002”.

### SEC. 102. DEFINITIONS.

In this title:

(1) NOXIOUS WEED.—The term “noxious weed” has the same meaning as in the Plant Protection Act (7 U.S.C. 7702(10)).

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(4) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) WEED MANAGEMENT ENTITY.—The term “weed management entity” means an entity that—

(A) is recognized by the State in which it is established;

(C) is established for the purpose of controlling or eradicating harmful, invasive



weeds and increasing public knowledge and education concerning the need to control or eradicate harmful, invasive weeds; and

(D) is multijurisdictional and multidisciplinary in nature.

#### SEC. 103. ESTABLISHMENT OF PROGRAM.

The Secretary shall establish a program to provide financial assistance through States to eligible weed management entities to control or eradicate weeds. In developing the program, the Secretary shall consult with the National Invasive Species Council, the Invasive Species Advisory Committee, representatives from States and Indian tribes with weed management entities or that have particular problems with noxious weeds, and public and private entities with experience in noxious weed management.

#### SEC. 104. ALLOCATION OF FUNDS TO STATES AND INDIAN TRIBES.

The Secretary shall allocate funds to States to provide funding to weed management entities to carry out projects approved by States to control or eradicate weeds on the basis of the severity or potential severity of the noxious weed problem, the extent to which the Federal funds will be used to leverage non-Federal funds, the extent to which the State has made progress in addressing noxious weed problems, and such other factors as the Secretary deems relevant. The Secretary shall provide special consideration for States with approved weed management entities established by Indian tribes, and may provide an additional allocation to a State to meet the particular needs and projects that such a weed management entity will address.

#### SEC. 105. ELIGIBILITY AND USE OF FUNDS.

(a) REQUIREMENTS.—The Secretary shall prescribe requirements for applications by States for funding, including provisions for auditing of and reporting on the use of funds and criteria to ensure that weed management entities recognized by the States are capable of carrying out projects, monitoring and reporting on the use of funds, and are knowledgeable about and experienced in noxious weed management and represent private and public interests adversely affected by noxious weeds. Eligible activities for funding shall include—

(1) applied research to solve locally significant weed management problems and solutions, except that such research may not exceed 8 percent of the available funds in any year;

(2) incentive payments to encourage the formation of new weed management entities, except that such payments may not exceed 25 percent of the available funds in any year; and

(3) projects relating to the control or eradication of noxious weeds, including education, inventories and mapping, management, monitoring, and similar activities, including the payment of the cost of personnel and equipment that promote such control or eradication, and other activities to promote such control or eradication, if the results of the activities are disseminated to the public.

(b) PROJECT SELECTION.—A State shall select projects for funding to a weed management entity on a competitive basis considering—

(1) the seriousness of the noxious weed problem or potential problem addressed by the project;

(2) the likelihood that the project will prevent or resolve the problem, or increase knowledge about resolving similar problems in the future;

(3) the extent to which the payment will leverage non-Federal funds to address the noxious weed problem addressed by the project;

(4) the extent to which the weed management entity has made progress in addressing noxious weed problems;

(5) the extent to which the project will provide a comprehensive approach to the control or eradication of noxious weeds;

(6) the extent to which the project will reduce the total population of a noxious weed;

(7) the extent to which the project uses the principles of integrated vegetation management and sound science; and

(8) such other factors that the State determines to be relevant.

(c) INFORMATION AND REPORT.—As a condition of the receipt of funding, States shall require such information from grant recipients as necessary and shall submit to the Secretary a report that describes the purposes and results of each project for which the payment or award was used, by not later than 6 months after completion of the projects.

(d) FEDERAL SHARE.—The Federal share of any project or activity approved by a State or Indian tribe under this title may not exceed 50 percent unless the State meets criteria established by the Secretary that accommodates situations where a higher percentage is necessary to meet the needs of an underserved area or addresses a critical need that cannot be met otherwise.

#### SEC. 106. LIMITATIONS.

(a) LANDOWNER CONSENT; LAND UNDER CULTIVATION.—Any activity involving real property, either private or public, may be carried out under this title only with the consent of the landowner and no project may be undertaken on property that is devoted to the cultivation of row crops, fruits, or vegetables.

(b) COMPLIANCE WITH STATE LAW.—A weed management entity may carry out a project to address the noxious weed problem in more than one State only if the entity meets the requirements of the State laws in all States in which the entity will undertake the project.

(c) USE OF FUNDS.—Funding under this title may not be used to carry out a project—

(1) to control or eradicate animals, pests, or submerged or floating noxious aquatic weeds; or

(2) to protect an agricultural commodity (as defined in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602)) other than—

(A) livestock (as defined in section 602 of the Agricultural Trade Act of 1949 (7 U.S.C. 1471); or

(B) an animal- or insect-based product.

#### SEC. 107. RELATIONSHIP TO OTHER PROGRAMS.

Assistance authorized under this title is intended to supplement, and not replace, assistance available to weed management entities, areas, and districts for control or eradication of harmful, invasive weeds on public lands and private lands, including funding available under the Pulling Together Initiative of the National Fish and Wildlife Foundation; and the provision of funds to any entity under this title shall have no effect on the amount of any payment received by a county from the Federal Government under chapter 69 of title 31, United States Code (commonly known as the Payments in Lieu of Taxes Act).

#### SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

To carry out this title there is authorized to be appropriated to the Secretary \$100,000,000 for each of fiscal years 2002 through 2006, of which not more than 5 percent of the funds made available for a fiscal year may be used by the Secretary for administrative costs of Federal agencies.

### TITLE III—NEWTOK LAND EXCHANGE

#### SEC. 301. FINDINGS.

Congress finds that:

(1) The continued existence of the village of Newtok, Alaska is threatened by the eroding banks of the Ninglick River.

(2) A relocation of the village will become necessary for the health and safety of the residents of Newtok within the next 8 years.

(3) Lands previously conveyed to the Newtok Native Corporation contain habitat of high value for waterfowl.

(4) An opportunity exists for an exchange of lands between the Newtok Native Corporation and the Yukon Delta National Wildlife Refuge that would address the relocation needs of the village while enhancing the quality of waterfowl habitat within the boundaries of the Refuge.

(5) An exchange of lands between Newtok and the United States on an other than equal value basis pursuant to the terms of this Act is in the public interest.

#### SEC. 302. DEFINITIONS.

For the purposes of this title, the term

(1) “ANCSA” means the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. 1601 et seq.);

(2) “ANILCA” means the Alaska National Interest Lands Conservation Act of 1980 (16 USC 410hh–3233, 43 USC 1602 et seq.);

(3) “Calista” means the Calista Corporation, an Alaska Native Regional Corporation established pursuant to ANCSA;

(4) “Identified Lands” means approximately 10,943 acres of lands (including surface and subsurface) designated as “Proposed Village Site” upon a map entitled “Proposed Newtok Exchange,” dated September, 2002, and available for inspection in the Anchorage office of the United States Fish and Wildlife Service;

(5) “limited warranty deed” means a warranty deed which is, with respect to its warranties, limited to that portion of the chain of title from the moment of conveyance from the United States to Newtok to and including the moment at which such title is validly reconveyed to the United States of America and its assigns;

(6) “Newtok” means the Newtok Native Corporation, an Alaska Native Village Corporation established pursuant to ANCSA;

(7) “Newtok lands” means approximately 12,101 acres of surface estate comprising conveyed lands and selected lands identified as Aknerkochik on the map referred to in paragraph (4) and that surface estate selected by Newtok on Baird Inlet Island as shown on said map; and

(8) “Secretary” means the Secretary of the Interior.

#### SEC. 303. LANDS TO BE EXCHANGED.

(a) LANDS EXCHANGED TO THE UNITED STATES.—If, within 180 days after the date of enactment of this title, Newtok expresses to the Secretary in writing its intent to enter into a land exchange with the United States, the Secretary shall accept from Newtok a valid, unencumbered conveyance, by limited warranty deed, of the Newtok lands previously conveyed to Newtok. The Secretary shall also accept from Newtok a relinquishment of irrevocable prioritized selections for approximately 4,956 acres for those validly selected lands not yet conveyed to Newtok. The reconveyance of lands by Newtok to the United States and the prioritized, relinquished selections shall be 1.1 times the number of acres conveyed to Newtok under this title. The number of acres reconveyed to the United States and the prioritized, relinquished selections shall be charged to the entitlement of Newtok.

(b) LANDS EXCHANGED TO NEWTOK.—(1) In exchange for the Newtok lands conveyed and selections relinquished under subsection (a), the Secretary shall, subject to valid existing rights and notwithstanding section 14(f) of ANCSA, convey to Newtok the surface and subsurface estate of the Identified Lands. The conveyance shall be by interim conveyance. Subsequent to the interim conveyance,

the Secretary shall survey the Identified Lands at no cost to Newtok and issue a patent to the Identified Lands subject to the provisions of ANCSA and this title. At the time of survey the charge against Newtok's entitlement for acres conveyed or irrevocable priorities relinquished by Newtok may be adjusted to conform to the standard of 1.1 acres relinquished by Newtok for each one acre received.

#### SEC. 304. CONVEYANCE.

(a) **TIMING.**—The Secretary shall issue interim conveyances pursuant to subsection 303(b) at the earliest possible time after acceptance of the Newtok conveyance and relinquishment of selections under subsection 303(a).

(b) **RELATIONSHIP TO ANCSA.**—Lands conveyed to Newtok under this title shall be deemed to have been conveyed under the provisions of ANCSA, except that the provisions of 14(c) of ANCSA shall not apply to these lands, and to the extent that section 22(g) of ANCSA would otherwise be applicable to these lands, the provisions of 22(g) of ANCSA shall also not apply to these lands. Consistent with section 103(c) of ANILCA, these lands shall not be deemed to be included as a portion of the Yukon National Wildlife Refuge and shall not be subject to regulations applicable solely to public lands within this Conservation System Unit.

(c) **EFFECT ON ENTITLEMENT.**—Nothing in this title shall be construed to change the total acreage of land to which Newtok is entitled under ANCSA.

(d) **EFFECT ON NEWTOK LANDS.**—The Newtok Lands shall be included in the Yukon Delta National Wildlife Refuge as of the date of acceptance of the conveyance of those lands from Newtok, except that residents of the Village of Newtok, Alaska, shall retain access rights to subsistence resources on those public lands as guaranteed under ANILCA section 811 (16 U.S.C. 3121), and to subsistence uses, such as traditional subsistence fishing, hunting and gathering, consistent with ANILCA section 803 (16 U.S.C. 3113).

(e) **ADJUSTMENT TO CALISTA CORPORATION ANCSA ENTITLEMENT FOR RELINQUISHED NEWTOK SELECTIONS.**—To the extent that Calista subsurface rights are affected by this title, Calista shall be entitled to an equivalent acreage of in-lieu subsurface entitlement for the Newtok selections relinquished in the exchange as set forth in subsection 303(a) of this title. This additional entitlement shall come from subsurface lands already selected by Calista, but which have not been conveyed. If Calista does not have sufficient subsurface selections to accommodate this additional entitlement, Calista Corporation is hereby authorized to make an additional in lieu selection for the deficient acreage.

(f) **ADJUSTMENT TO EXCHANGE.**—If requested by Newtok, the Secretary is authorized to consider and make adjustments to the original exchange to meet the purposes of this title, subject to all the same terms and conditions of this title.

#### TITLE IV FLORIDA NATIONAL FOREST LAND MANAGEMENT ACT

##### SEC. 401. SHORT TITLE.

This title may be cited as the "Florida National Forest Land Management Act of 2002".

##### SEC. 402. DEFINITIONS.

In this title:

(1) **SECRETARY.**—The term "Secretary" means the Secretary of Agriculture.

(2) **STATE.**—The term "State" means the State of Florida.

##### SEC. 403. SALE OR EXCHANGE OF LAND.

(a) **IN GENERAL.**—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any right, title, and interest of the United States in and to the parcels of Federal land in the State described in subsection (b).

(b) **DESCRIPTION OF LAND.**—The parcels of Federal land in the State referred to in subsection (a) consist of—

(1) tract A-942a, East Bay, Santa Rosa County, consisting of approximately 61 acres, and more particularly described as T. 1 S., R. 27 W., Sec. 31, W ½ of SW ¼ ;

(2) tract A-942b, East Bay, Santa Rosa County, consisting of approximately 40 acres, and more particularly described as T. 1 S., R. 27 W., Sec. 38;

(3) tract A-942c, Ft. Walton, Okaloosa County, located southeast of the intersection of and adjacent to State Road 86 and Mooney Road, consisting of approximately 0.59 acres, and more particularly described as T. 1 S., R. 24 W., Sec. 26;

(4) tract A-942d, located southeast of Crestview, Okaloosa County, consisting of approximately 79.90 acres, and more particularly described as T. 2 N., R. 23 W., Sec. 2, NW ¼ NE ¼ and NE ¼ NW ¼ ;

(5) tract A-943, Okaloosa County Fairgrounds, Ft. Walton, Okaloosa County, consisting of approximately 30.14 acres, and more particularly described as T. 1 S., R. 24 W., Sec. 26, S ½ ;

(6) tract A-944, City Ball Park—Ft. Walton, Okaloosa County, consisting of approximately 12.43 acres, and more particularly described as T. 1 S., R. 24 W., Sec. 26, S ½ ;

(7) tract A-945, Landfill-Golf Course Driving Range, located southeast of Crestview, Okaloosa County, consisting of approximately 40.85 acres, and more particularly described as T. 2 N., R. 23 W., Sec. 4, NW ¼ NE ¼ ;

(8) tract A-959, 2 vacant lots on the north side of Micheaux Road in Bristol, Liberty County, consisting of approximately 0.5 acres, and more particularly described as T. 1 S., R. 7 W., Sec. 6;

(9) tract C-3m-d, located southwest of Astor in Lake County, consisting of approximately 15.0 acres, and more particularly described as T. 15 S., R. 28 E., Sec. 37;

(10) tract C-691, Lake County, consisting of the subsurface rights to approximately 40.76 acres of land, and more particularly described as T. 17 S., R. 29 E., Sec. 25, SE ¼ NW ¼ ;

(11) tract C-2208b, Lake County, consisting of approximately 39.99 acres, and more particularly described as T. 17 S., R. 28 E., Sec. 28, NW ¼ SE ¼ ;

(12) tract C-2209, Lake County, consisting of approximately 127.2 acres, as depicted on the map, and more particularly described as T. 17 S., R. 28 E., Sec. 21, NE ¼ SW ¼, SE ¼ NW ¼, and SE ¼ NE ¼ ;

(13) tract C-2209b, Lake County, consisting of approximately 39.41 acres, and more particularly described as T. 17 S., R. 29 E., Sec. 32, NE ¼ SE ¼ ;

(14) tract C-2209c, Lake County, consisting of approximately 40.09 acres, and more particularly described as T. 18 S., R. 28 E., Sec. 14, SE ¼ SW ¼ ;

(15) tract C-2209d, Lake County, consisting of approximately 79.58 acres, and more particularly described as T. 18 S., R. 29 E., Sec. 5, SE ¼ NW ¼, NE ¼ SW ¼ ;

(16) tract C-2210, government lot 1, 20 recreational residential lots, and adjacent land on Lake Kerr, Marion County, consisting of approximately 30 acres, and more particularly described as T. 13 S., R. 25 E., Sec. 22;

(17) tract C-2213, located in the F.M. Arrendondo grant, East of Ocala, Marion County, and including a portion of the land located east of the western right-of-way of State Highway 19, consisting of approximately 15.0 acres, and more particularly described as T. 14 and 15 S., R. 26 E., Sec. 36, 38, and 40; and

(18) all improvements on the parcels described in paragraphs (1) through (18).

(c) **LEGAL DESCRIPTION MODIFICATION.**—The Secretary may, for the purposes of soliciting offers for the sale or exchange of land under subsection (d), modify the descriptions of land specified in subsection (b) based on—

(1) a survey; or

(2) a determination by the Secretary that the modification would be in the best interest of the public.

(d) **SOLICITATIONS OF OFFERS.**—

(1) **IN GENERAL.**—Subject to such terms and conditions as the Secretary may prescribe, the Secretary may solicit offers for the sale or exchange of land described in subsection (b).

(2) **REJECTION OF OFFERS.**—The Secretary may reject any offer received under this section if the Secretary determines that the offer—

(A) is not adequate; or

(B) is not in the public interest.

(e) **METHODS OF SALE.**—The Secretary may sell the land described in subsection (b) at public or private sale (including at auction), in accordance with any terms, conditions, and procedures that the Secretary determines to be appropriate.

(f) **BROKERS.**—In any sale or exchange of land described in subsection (b), the Secretary may—

(1) use a real estate broker; and

(2) pay the real estate broker a commission in an amount that is comparable to the amounts of commission generally paid for real estate transactions in the area.

(g) **CONCURRENCE OF THE SECRETARY OF THE AIR FORCE.**—A parcel of land described in paragraphs (1) through (7) of subsection (b) shall not be sold or exchanged by the Secretary without the concurrence of the Secretary of the Air Force.

(h) **CASH EQUALIZATION.**—Notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), if the value of non-Federal land for which Federal land is exchanged under this section is less than the value of the Federal land exchanged, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land.

(i) **DISPOSITION OF PROCEEDS.**—

(1) **IN GENERAL.**—The net proceeds derived from any sale or exchange under this Act shall be deposited in the fund established by Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(2) **USE.**—Amounts deposited under paragraph (1) shall be available to the Secretary for expenditure, without further appropriation, for—

(A) acquisition of land and interests in land for inclusion as units of the National Forest System in the State; and

(B) reimbursement of costs incurred by the Secretary in carrying out land sales and exchanges under this title, including the payment of real estate broker commissions under subsection (f).

##### SEC. 404. ADMINISTRATION.

(a) **IN GENERAL.**—Land acquired by the United States under this title shall be—

(1) subject to the Act of March 1, 1911 (commonly known as the "Weeks Act") (16 U.S.C. 480 et seq.); and

(2) administered in accordance with laws (including regulations) applicable to the National Forest System.

(b) **APPLICABLE LAW.**—The land described in section 403(b) shall not be subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(c) **WITHDRAWAL.**—Subject to valid existing rights, the land described in section 403(b) is withdrawn from location, entry, and patent under the public land laws, mining laws, and mineral leasing laws (including geothermal leasing laws).

#### TITLE V—AMERICAN FORK CANYON VISITORS CENTER

##### SEC. 501. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—Congress finds that—

(1) the facility that houses the administrative office of the Pleasant Grove Ranger District of the Uinta National Forest can no longer properly serve the purpose of the facility;

(2) a fire destroyed the Timpanogos Cave National Monument Visitor Center and administrative office in 1991, and the temporary structure that is used for a visitor center cannot adequately serve the public; and

(3) combining the administrative office of the Pleasant Grove Ranger District with a new Timpanogos Cave National Monument visitor center and administrative office in one facility would—

- (A) facilitate interagency coordination;
- (B) serve the public better; and
- (C) improve cost effectiveness.

(b) **PURPOSES.**—The purposes of this title are—

(1) to authorize the Secretary of Agriculture to acquire by exchange non-Federal land located in Highland, Utah as the site for an interagency administrative and visitor facility;

(2) to direct the Secretary of the Interior to construct an administrative and visitor facility on the non-Federal land acquired by the Secretary of Agriculture; and

(3) to direct the Secretary of Agriculture and the Secretary of the Interior to cooperate in the development, construction, operation, and maintenance of the facility.

##### SEC. 502. DEFINITIONS.

In this title:

(1) **FACILITY.**—The term “facility” means the facility constructed under section 506 to house—

(A) the administrative office of the Pleasant Grove Ranger District of the Uinta National Forest; and

(B) the visitor center and administrative office of the Timpanogos Cave National Monument.

(2) **FEDERAL LAND.**—The term “Federal land” means the parcels of land and improvements to the land in the Salt Lake Meridian comprising—

(A) approximately 237 acres located in T. 5 S., R. 3 E., sec. 13, lot 1, SW  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , E  $\frac{1}{2}$ , NW  $\frac{1}{4}$  and E  $\frac{1}{2}$ , SW  $\frac{1}{4}$ , as depicted on the map entitled “Long Hollow-Provo Canyon Parcel”, dated March 12, 2001;

(B) approximately 0.18 acre located in T. 7 S., R. 2 E., sec. 12, NW  $\frac{1}{4}$ , as depicted on the map entitled “Provo Sign and Radio Shop”, dated March 12, 2001;

(C) approximately 20 acres located in T. 3 S., R. 1 E., sec. 33, SE  $\frac{1}{4}$ , as depicted on the map entitled “Corner Canyon Parcel”, dated March 12, 2001;

(D) approximately 0.18 acre located in T. 29 S., R. 7 W., sec. 15, S  $\frac{1}{2}$ , as depicted on the map entitled “Beaver Administrative Site”, dated March 12, 2001;

(E) approximately 7.37 acres located in T. 7 S., R. 3 E., sec. 28, NE  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , as depicted on the map entitled “Springville Parcel”, dated March 12, 2001; and

(F) approximately 0.83 acre located in T. 5 S., R. 2 E., sec. 20, as depicted on the map entitled “Pleasant Grove Ranger District Parcel”, dated March 12, 2001.

(3) **NON-FEDERAL LAND.**—The term “non-Federal land” means the parcel of land in the Salt Lake Meridian comprising approximately 37.42 acres located at approximately 4,400 West, 11,000 North (SR-92), Highland, Utah in T. 4 S., R. 2 E., sec. 31, NW  $\frac{1}{4}$ , as depicted on the map entitled “The Highland Property”, dated March 12, 2001.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

##### SEC. 503. MAPS AND LEGAL DESCRIPTIONS.

(a) **AVAILABILITY OF MAPS.**—The maps described in paragraphs (2) and (3) of section 502 shall be on file and available for public inspection in the Office of the Chief of the Forest Service until the date on which the land depicted on the maps is exchanged under this title.

(b) **TECHNICAL CORRECTIONS TO LEGAL DESCRIPTIONS.**—The Secretary may correct minor errors in the legal descriptions in paragraphs (2) and (3) of section 502.

##### SEC. 504. EXCHANGE OF LAND FOR FACILITY SITE.

(a) **IN GENERAL.**—Subject to subsection (b), the Secretary may, under such terms and conditions as the Secretary may prescribe, convey by quitclaim deed all right, title, and interest of the United States in and to the Federal land in exchange for the conveyance of the non-Federal land.

(b) **TITLE TO NON-FEDERAL LAND.**—Before the land exchange takes place under subsection (a), the Secretary shall determine that title to the non-Federal land is acceptable based on the approval standards applicable to Federal land acquisitions.

(c) **VALUATION OF NON-FEDERAL LAND.**—

(1) **DETERMINATION.**—The fair market value of the land and the improvements on the land exchanged under this title shall be determined by an appraisal that—

- (A) is approved by the Secretary; and
- (B) conforms with the Federal appraisal standards, as defined in the publication entitled “Uniform Appraisal Standards for Federal Land Acquisitions”.

(2) **SEPARATE APPRAISALS.**—

(A) **IN GENERAL.**—Each parcel of Federal land described in subparagraphs (A) through (F) of section 502(2) shall be appraised separately.

(B) **INDIVIDUAL PROPERTY VALUES.**—The property values of each parcel shall not be affected by the unit rule described in the Uniform Appraisal Standards for Federal Land Acquisitions.

(d) **CASH EQUALIZATION.**—Notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), the Secretary may, as the circumstances require, either make or accept a cash equalization payment in excess of 25 percent of the total value of the lands or interests transferred out of Federal ownership.

(e) **ADMINISTRATION OF LAND ACQUISITION BY UNITED STATES.**—

(1) **BOUNDARY ADJUSTMENT.**—

(A) **IN GENERAL.**—On acceptance of title by the Secretary—

(i) the non-Federal land conveyed to the United States shall become part of the Uinta National Forest; and

(ii) the boundaries of the national forest shall be adjusted to include the land.

(B) **ALLOCATION OF LAND AND WATER CONSERVATION FUND MONEYS.**—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-099), the boundaries of the national forest, as adjusted under this section, shall be considered to be boundaries of the national forest as of January 1, 1965.

(2) **APPLICABLE LAW.**—Subject to valid existing rights, the Secretary shall manage any land acquired under this section in accordance with—

(A) the Act of March 1, 1911 (16 U.S.C. 480 et seq.) (commonly known as the “Weeks Act”); and

(B) other laws (including regulations) that apply to National Forest System land.

##### SEC. 505. DISPOSITION OF FUNDS.

(a) **DEPOSIT.**—The Secretary shall deposit any cash equalization funds received in the land exchange in the fund established under Public Law 90-171 (16 U.S.C. 484a) (commonly known as the “Sisk Act”).

(b) **USE OF FUNDS.**—Funds deposited under subsection (a) shall be available to the Secretary, without further appropriation, for the acquisition of land and interests in land for administrative sites in the State of Utah and land for the National Forest System.

##### SEC. 506. CONSTRUCTION AND OPERATION OF FACILITY.

(a) **CONSTRUCTION.**—

(1) **IN GENERAL.**—Subject to paragraph (2), as soon as practicable after funds are made available to carry out this title, the Secretary of the Interior shall construct, and bear responsibility for all costs of construction of, a facility and all necessary infrastructure on non-Federal land acquired under section 504.

(2) **DESIGN AND SPECIFICATIONS.**—Prior to construction, the design and specifications of the facility shall be approved by the Secretary and the Secretary of the Interior.

(b) **OPERATION AND MAINTENANCE OF FACILITY.**—The facility shall be occupied, operated, and maintained jointly by the Secretary (acting through the Chief of the Forest Service) and the Secretary of the Interior (acting through the Director of the National Park Service) under terms and conditions agreed to by the Secretary and the Secretary of the Interior.

##### SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

#### TITLE VI—WASHOE TRIBE LAND CONVEYANCE

##### SEC. 601. WASHOE TRIBE LAND CONVEYANCE.

(a) **FINDINGS.**—Congress finds that—

(1) the ancestral homeland of the Washoe Tribe of Nevada and California (referred to in this title as the “Tribe”) included an area of approximately 5,000 square miles in and around Lake Tahoe, California and Nevada, and Lake Tahoe was the heart of the territory;

(2) in 1997, Federal, State, and local governments, together with many private landholders, recognized the Washoe people as indigenous people of Lake Tahoe Basin through a series of meetings convened by those governments at 2 locations in Lake Tahoe;

(3) the meetings were held to address protection of the extraordinary natural, recreational, and ecological resources in the Lake Tahoe region;

(4) the resulting multiagency agreement includes objectives that support the traditional and customary uses of National Forest System land by the Tribe; and

(5) those objectives include the provision of access by members of the Tribe to the shore of Lake Tahoe in order to reestablish traditional and customary cultural practices.

(b) **PURPOSES.**—The purposes of this title are—

(1) to implement the joint local, State, tribal, and Federal objective of returning the Tribe to Lake Tahoe; and

(2) to ensure that members of the Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotany, subsistence

gathering, traditional learning, and reunification of tribal and family bonds.

(c) **CONVEYANCE ON CONDITION SUBSEQUENT.**—Subject to valid existing rights, the easement reserved under subsection (d), and the condition stated in subsection (e), the Secretary of Agriculture shall convey to the Secretary of the Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

(d) **EASEMENT.**—

(1) **IN GENERAL.**—The conveyance under subsection (c) shall be made subject to reservation to the United States of a nonexclusive easement for public and administrative access over Forest Development Road #15N67 to National Forest System land, to be administered by the Secretary of Agriculture.

(2) **ACCESS BY INDIVIDUALS WITH DISABILITIES.**—The Secretary of Agriculture shall provide a reciprocal easement to the Tribe permitting vehicular access to the parcel over Forest Development Road #15N67 to—

(A) members of the Tribe for administrative and safety purposes; and

(B) members of the Tribe who, due to age, infirmity, or disability, would have difficulty accessing the conveyed parcel on foot.

(e) **CONDITION ON USE OF LAND.**—

(1) **IN GENERAL.**—In using the parcel conveyed under subsection (c), the Tribe and members of the Tribe—

(A) shall limit the use of the parcel to traditional and customary uses and stewardship conservation for the benefit of the Tribe;

(B) shall not permit any permanent residential or recreational development on, or commercial use of, the parcel (including commercial development, tourist accommodations, gaming, sale of timber, or mineral extraction); and

(C) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

(2) **TERMINATION AND REVERSION.**—If the Secretary of the Interior, after notice to the Tribe and an opportunity for a hearing, based on monitoring of use of the parcel by the Tribe, makes a finding that the Tribe has used or permitted the use of the parcel in violation of paragraph (1) and the Tribe fails to take corrective or remedial action directed by the Secretary of the Interior—

(A) title to the parcel in the Secretary of the Interior, in trust for the Tribe, shall terminate; and

(B) title to the parcel shall revert to the Secretary of Agriculture.

## TITLE VII—SANTA CLARA AND SAN ILDEFONSO PUEBLO LAND CONVEYANCE

### SEC. 701. DEFINITIONS.

In this title:

(1) **AGREEMENT.**—The term “Agreement” means the agreement entitled “Agreement to Affirm Boundary Between Pueblo of Santa Clara and Pueblo of San Ildefonso Aboriginal Lands Within Garcia Canyon Tract”, entered into by the Governors on December 20, 2000.

(2) **BOUNDARY LINE.**—The term “boundary line” means the boundary line established under section 704(a).

(3) **GOVERNORS.**—The term “Governors” means—

(A) the Governor of the Pueblo of Santa Clara, New Mexico; and

(B) the Governor of the Pueblo of San Ildefonso, New Mexico.

(4) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4

of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) **PUEBLOS.**—The term “Pueblos” means—

(A) the Pueblo of Santa Clara, New Mexico; and

(B) the Pueblo of San Ildefonso, New Mexico.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(7) **TRUST LAND.**—The term “trust land” means the land held by the United States in trust under section 702(a) or 703(a).

### SEC. 702. TRUST FOR THE PUEBLO OF SANTA CLARA, NEW MEXICO.

(a) **IN GENERAL.**—All right, title, and interest of the United States in and to the land described in subsection (b), including improvements on, appurtenances to, and mineral rights (including rights to oil and gas) to the land, shall be held by the United States in trust for the Pueblo of Santa Clara, New Mexico.

(b) **DESCRIPTION OF LAND.**—The land referred to in subsection (a) consists of approximately 2,484 acres of Bureau of Land Management land located in Rio Arriba County, New Mexico, and more particularly described as—

(1) the portion of T. 20 N., R. 7 E., Sec. 22, New Mexico Principal Meridian, that is located north of the boundary line;

(2) the southern half of T. 20 N., R. 7 E., Sec. 23, New Mexico Principal Meridian;

(3) the southern half of T. 20 N., R. 7 E., Sec. 24, New Mexico Principal Meridian;

(4) T. 20 N., R. 7 E., Sec. 25, excluding the 5-acre tract in the southeast quarter owned by the Pueblo of San Ildefonso;

(5) the portion of T. 20 N., R. 7 E., Sec. 26, New Mexico Principal Meridian, that is located north and east of the boundary line;

(6) the portion of T. 20 N., R. 7 E., Sec. 27, New Mexico Principal Meridian, that is located north of the boundary line;

(7) the portion of T. 20 N., R. 8 E., Sec. 19, New Mexico Principal Meridian, that is not included in the Santa Clara Pueblo Grant or the Santa Clara Indian Reservation; and

(8) the portion of T. 20 N., R. 8 E., Sec. 30, that is not included in the Santa Clara Pueblo Grant or the San Ildefonso Grant.

### SEC. 703. TRUST FOR THE PUEBLO OF SAN ILDEFONSO, NEW MEXICO.

(a) **IN GENERAL.**—All right, title, and interest of the United States in and to the land described in subsection (b), including improvements on, appurtenances to, and mineral rights (including rights to oil and gas) to the land, shall be held by the United States in trust for the Pueblo of San Ildefonso, New Mexico.

(b) **DESCRIPTION OF LAND.**—The land referred to in subsection (a) consists of approximately 2,000 acres of Bureau of Land Management land located in Rio Arriba County and Santa Fe County in the State of New Mexico, and more particularly described as—

(1) the portion of T. 20 N., R. 7 E., Sec. 22, New Mexico Principal Meridian, that is located south of the boundary line;

(2) the portion of T. 20 N., R. 7 E., Sec. 26, New Mexico Principal Meridian, that is located south and west of the boundary line;

(3) the portion of T. 20 N., R. 7 E., Sec. 27, New Mexico Principal Meridian, that is located south of the boundary line;

(4) T. 20 N., R. 7 E., Sec. 34, New Mexico Principal Meridian; and

(5) the portion of T. 20 N., R. 7 E., Sec. 35, New Mexico Principal Meridian, that is not included in the San Ildefonso Pueblo Grant.

### SEC. 704. SURVEY AND LEGAL DESCRIPTIONS.

(a) **SURVEY.**—Not later than 180 days after the date of enactment of this title, the Office of Cadastral Survey of the Bureau of Land Management shall, in accordance with the

Agreement, complete a survey of the boundary line established under the Agreement for the purpose of establishing, in accordance with sections 702(b) and 703(b), the boundaries of the trust land.

(b) **LEGAL DESCRIPTIONS.**—

(1) **PUBLICATION.**—On approval by the Governors of the survey completed under subsection (a), the Secretary shall publish in the Federal Register—

(A) a legal description of the boundary line; and

(B) legal descriptions of the trust land.

(2) **TECHNICAL CORRECTIONS.**—Before the date on which the legal descriptions are published under paragraph (1)(B), the Secretary may correct any technical errors in the descriptions of the trust land provided in sections 702(b) and 703(b) to ensure that the descriptions are consistent with the terms of the Agreement.

(3) **EFFECT.**—Beginning on the date on which the legal descriptions are published under paragraph (1)(B), the legal descriptions shall be the official legal descriptions of the trust land.

### SEC. 705. ADMINISTRATION OF TRUST LAND.

(a) **IN GENERAL.**—Beginning on the date of enactment of this title—

(1) the land held in trust under section 702(a) shall be declared to be a part of the Santa Clara Indian Reservation; and

(2) the land held in trust under section 3(a) shall be declared to be a part of the San Ildefonso Indian Reservation.

(b) **APPLICABLE LAW.**—

(1) **IN GENERAL.**—The trust land shall be administered in accordance with any law (including regulations) or court order generally applicable to property held in trust by the United States for Indian tribes.

(2) **PUEBLO LANDS ACT.**—The following shall be subject to section 17 of the Act of June 7, 1924 (commonly known as the “Pueblo Lands Act”) (25 U.S.C. 331 note):

(A) The trust land.

(B) Any land owned as of the date of enactment of this title or acquired after the date of enactment of this title by the Pueblo of Santa Clara in the Santa Clara Pueblo Grant.

(C) Any land owned as of the date of enactment of this title or acquired after the date of enactment of this title by the Pueblo of San Ildefonso in the San Ildefonso Pueblo Grant.

(c) **USE OF TRUST LAND.**—

(1) **IN GENERAL.**—Subject to the criteria developed under paragraph (2), the trust land may be used only for—

(A) traditional and customary uses; or

(B) stewardship conservation for the benefit of the Pueblo for which the trust land is held in trust.

(2) **CRITERIA.**—The Secretary shall work with the Pueblos to develop appropriate criteria for using the trust land in a manner that preserves the trust land for traditional and customary uses or stewardship conservation.

(3) **LIMITATION.**—Beginning on the date of enactment of this title, the trust land shall not be used for any new commercial developments.

### SEC. 706. EFFECT.

Nothing in this title—

(1) affects any valid right-of-way, lease, permit, mining claim, grazing permit, water right, or other right or interest of a person or entity (other than the United States) that is—

(A) in or to the trust land; and

(B) in existence before the date of enactment of this title;

(2) enlarges, impairs, or otherwise affects a right or claim of the Pueblos to any land or interest in land that is—

(A) based on Aboriginal or Indian title; and  
(B) in existence before the date of enactment of this title;

(3) constitutes an express or implied reservation of water or water right with respect to the trust land; or

(4) affects any water right of the Pueblos in existence before the date of enactment of this title.

**SA 4976.** Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill S. 2670, to establish Institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems; as follows:

Strike all after the enacting clause and insert the following:

#### TITLE I—WILDFIRE PREVENTION ACT

##### SEC. 101. SHORT TITLE.

This title may be cited as the “Wildfire Prevention Act of 2002”.

##### SEC. 102. FINDINGS.

Congress finds that—

(1) there is an increasing threat of wildfire to millions of acres of forest land and rangeland throughout the United States;

(2) forest land and rangeland are degraded as a direct consequence of land management practices (including practices to control and prevent wildfires and the failure to harvest subdominant trees from overstocked stands) that disrupt the occurrence of frequent low-intensity fires that have periodically removed flammable undergrowth;

(3) at least 39,000,000 acres of land of the National Forest System in the interior West are at high risk of wildfire;

(4) an average of 95 percent of the expenditures by the Forest Service for wildfire suppression during fiscal years 1990 through 1994 were made to suppress wildfires in the interior West;

(5) the number, size, and severity of wildfires in the interior West are increasing;

(6) of the timberland in National Forests in the States of Arizona and New Mexico, 59 percent of such land in Arizona, and 56 percent of such land in New Mexico, has an average diameter of 9 to 12 inches diameter at breast height;

(7) the population of the interior West grew twice as fast as the national average during the 1990s;

(8) efforts to prioritize forests and communities for wildfire risk reduction have been inconsistent and insufficient and have resulted in funding to areas that are not prone to severe wildfires;

(9) catastrophic wildfires—

(A) endanger homes and communities;

(B) damage and destroy watersheds and soils; and

(C) pose a serious threat to the habitat of threatened and endangered species;

(10) a 1994 assessment of forest health in the interior West estimated that only a 15- to 30-year window of opportunity exists for effective management intervention before damage from uncontrollable wildfire becomes widespread, with 8 years having already elapsed since the assessment;

(11) following a catastrophic wildfire, certain forests in the interior West do not return to their former grandeur;

(12) healthy forest and woodland ecosystems—

(A) reduce the risk of wildfire to forests and communities;

(B) improve wildlife habitat and biodiversity;

(C) increase tree, grass, forb, and shrub productivity;

(D) enhance watershed values;

(E) improve the environment; and

(F) provide a basis in some areas for economically and environmentally sustainable uses;

(13) sustaining the long-term ecological and economic health of interior West forests and woodland, and their dependent human communities, requires preventing severe wildfires before the wildfires occur and permitting natural, low-intensity ground fires;

(14) more natural fire regimes cannot be accomplished without the reduction of excess fuels and thinning of subdominant trees (which fuels and trees may be of commercial value);

(15) ecologically-based forest and woodland ecosystem restoration on a landscape scale will—

(A) improve long-term community protection;

(B) minimize the need for wildfire suppression;

(C) improve resource values;

(D) reduce rehabilitation costs;

(E) reduce loss of critical habitat; and

(F) protect forests for future generations;

(16) although the National Fire Plan, and the report entitled “Protecting People and Sustaining Resources in Fire-Adapted Ecosystems—A Cohesive Strategy” (65 Fed. Reg. 67480), advocate a shift in wildfire policy from suppression to prevention (including restoration and hazardous fuels reduction), Federal land managers are not dedicating sufficient attention and financial resources to restoration activities that simultaneously restore forest health and reduce the risk of severe wildfire;

(17) although landscape scale restoration is needed to effectively reverse degradation, scientific understanding of landscape scale treatments is limited;

(18) the Federal wildfire research program is funded at approximately 1/3 of the amount that is required to address emerging wildfire problems, resulting in the lack of a cohesive strategy to address the threat of catastrophic wildfires; and

(19) rigorous, understandable, and applied scientific information is needed for—

(A) the design, implementation, and adaptation of landscape scale restoration treatments and improvement of wildfire management technology;

(B) the environmental review process; and

(C) affected entities that collaborate in the development and implementation of wildfire treatment.

##### SEC. 103. PURPOSES.

The purposes of this title are—

(1) to enhance the capacity to develop, transfer, apply, and monitor practical science-based forest restoration treatments that will reduce the risk of severe wildfires, and improve forest and woodland health, in the interior West;

(2) to develop the practical scientific knowledge required to implement forest and woodland restoration on a landscape scale;

(3) to develop the interdisciplinary knowledge required to understand the socioeconomic and environmental impacts of wildfire control on ecosystems and landscapes;

(4) to require Federal agencies—

(A) to use ecological restoration treatments to reverse declining forest health and reduce the risk of severe wildfires across the forest landscape;

(B) to ensure that sufficient funds are dedicated to wildlife prevention activities, including restoration treatments; and

(C) to monitor and use wildfire treatments based on the use of adaptive ecosystem management;

(5) to develop, transfer, and assist land managers in treating acres with restoration-based treatments and use new management

technologies (including the transfer of understandable information, assistance with environmental review, and field and classroom training and collaboration) to accomplish the goals identified in—

(A) the National Fire Plan;

(B) the report entitled “Protecting People and Sustaining Resources in Fire-Adapted Ecosystems—A Cohesive Strategy” (65 Fed. Reg. 67480); and

(C) the report entitled “10-Year Comprehensive Strategy: A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment” of the Western Governors’ Association; and

(6) to provide technical assistance to collaborative efforts by affected entities to develop, implement, and monitor adaptive ecosystem management restoration treatments that are ecologically sound, economically viable, and socially responsible.

##### SEC. 104. DEFINITIONS.

In this title:

(1) **ADAPTIVE ECOSYSTEM MANAGEMENT.**—The term “adaptive ecosystem management” means a natural resource management process under which planning, implementation, monitoring, research, evaluation, and incorporation of new knowledge are combined into a management approach that is—

(A) based on scientific findings and the needs of society; and

(B) used to modify future management methods and policy.

(2) **AFFECTED ENTITIES.**—The term “affected entities” includes—

(A) land managers;

(B) stakeholders;

(C) concerned citizens; and

(D) State land managers.

(3) **INSTITUTE.**—The term “Institute” means an Institute established under section 105(a).

(4) **INTERIOR WEST.**—The term “interior West” means the States of Arizona, Colorado, Idaho, Nevada, New Mexico, and Utah.

(5) **LAND MANAGER.**—

(A) **IN GENERAL.**—The term “land manager” means a person or entity that practices or guides natural resource management.

(B) **INCLUSIONS.**—The term “land manager” includes a Federal, State, local, or tribal land management agency.

(6) **RESTORATION.**—The term “restoration” means a process undertaken to return an ecosystem or habitat toward—

(A) the original condition of the ecosystem or habitat; or

(B) a condition that supports a related species, natural function, or ecological process (including a low intensity fire).

(7) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(8) **SECRETARIES.**—The term “Secretaries” means—

(A) the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) the Secretary of the Interior.

(9) **STAKEHOLDER.**—The term “stakeholder” means any person interested in or affected by management of forest or woodland ecosystems.

##### SEC. 105. ESTABLISHMENT OF INSTITUTES.

(a) **IN GENERAL.**—The Secretary, in consultation with the Secretary of the Interior, shall—

(1) not later than 180 days after the date of enactment of this title, establish 3 Institutes to promote the use of adaptive ecosystem management to reduce the risk of wildfires, and improve the health of forest and woodland ecosystems, in the interior West; and

(2) provide assistance to the Institutes to promote the use of adaptive ecosystem management in accordance with paragraph (1).

(b) LOCATION.—

(1) EXISTING INSTITUTES.—The Secretary may designate an institute in existence on the date of enactment of this title to serve as an Institute established under this title.

(2) LOCATIONS.—Of the Institutes established under this title, the Secretary shall establish 1 Institute in each of the States of Arizona, New Mexico, and Colorado. The Institute established in Arizona shall be located at Northern Arizona University.

(c) DUTIES.—Each Institute shall—

(1) plan, conduct, or promote research on the use of adaptive ecosystem management to reduce the risk of wildfires, and improve the health of forest and woodland ecosystems, in the interior West, including—

(A) research that assists in providing information on the use of adaptive ecosystem management practices to affected entities; and

(B) research that will be useful in the development and implementation of practical, science-based, ecological restoration treatments for forest and woodland ecosystems affected by wildfires; and

(2) provide the results of research described in paragraph (1) to affected entities.

(d) COOPERATION.—To increase and accelerate efforts to restore forest ecosystem health and abate unnatural and unwanted wildfires in the interior West, each Institute shall cooperate with—

(1) researchers at colleges and universities in the States of Arizona, New Mexico, and Colorado that have a demonstrated capability to conduct research described in subsection (c); and

(2) other organizations and entities in the interior West (such as the Western Governors' Association).

(e) ANNUAL WORK PLANS.—As a condition of the receipt of funds made available under this title, for each fiscal year, each Institute shall submit to the Secretary, for review by the Secretary, in consultation with the Secretary of the Interior, an annual work plan that includes assurances, satisfactory to the Secretaries, that the proposed work of the Institute will serve the informational needs of affected entities.

#### SEC. 106. COOPERATION BETWEEN INSTITUTES AND FEDERAL AGENCIES.

In carrying out this title, the Secretary, in consultation with the Secretary of the Interior—

(1) shall ensure that adequate financial and technical assistance is provided to the Institutes to enable the Institutes to carry out the purposes of the Institutes under section 5, including prevention activities and ecological restoration for wildfires and affected ecosystems;

(2) shall use information and expertise provided by the Institutes;

(3) shall encourage Federal agencies to use, on a cooperative basis, information and expertise provided by the Institutes;

(4) shall encourage cooperation and coordination between Federal programs relating to—

(A) ecological restoration;

(B) wildfire risk reduction; and

(C) wildfire management technologies;

(5) notwithstanding chapter 63 of title 31, United States Code, may—

(A) enter into contracts, cooperative agreements, interagency personal agreements to carry out this title; and

(B) carry out other transactions under this title;

(6) may accept funds from other Federal agencies to supplement or fully fund grants made, and contracts entered into, by the Secretaries;

(7) may support a program of internships for qualified individuals at the undergraduate and graduate levels to carry out

the educational and training objectives of this title;

(8) shall encourage professional education and public information activities relating to the purposes of this title; and

(9) may promulgate such regulations as the Secretaries determine are necessary to carry out this title.

#### SEC. 107. MONITORING AND EVALUATION.

(a) IN GENERAL.—Not later than 5 years after the date of enactment of this title, and every 5 years thereafter, the Secretary, in consultation with the Secretary of the Interior, shall complete and submit to the appropriate committees of Congress a detailed evaluation of the programs and activities of each Institute—

(1) to ensure, to the maximum extent practicable, that the research, communication tools, and information transfer activities of each Institute meet the needs of affected entities; and

(2) to determine whether continued provision of Federal assistance to each Institute is warranted.

(b) TERMINATION OF ASSISTANCE.—If, as a result of an evaluation under subsection (a), the Secretary, in consultation with the Secretary of the Interior, determines that an Institute does not qualify for further Federal assistance under this title, the Institute shall receive no further Federal assistance under this title until such time as the qualifications of the Institute are reestablished to the satisfaction of the Secretaries.

#### SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title \$15,000,000 for each fiscal year.

### TITLE II—COMMUNITY-BASED FOREST AND PUBLIC LANDS RESTORATION ACT

#### SEC. 201. SHORT TITLE.

This title may be cited as the "Community-Based Forest and Public Lands Restoration Act".

#### SEC. 202. PURPOSES.

The purposes of this title are—

(1) to create a coordinated, consistent, community-based program to restore and maintain the ecological integrity of degraded National Forest System and public lands watersheds;

(2) to ensure that restoration of degraded National Forest System and public lands recognizes variation in forest type and fire regimes, incorporates principles of community forestry, local and traditional knowledge, and conservation biology; and, where possible, uses the least intrusive methods practicable;

(3) to enable the Secretaries to assist small, rural communities to increase their capacity to restore and maintain the ecological integrity of surrounding National Forest System and public lands, and to use the by-products of such restoration in value-added processing;

(4) to require the Secretaries to monitor ecological, social, and economic conditions based on explicit mechanisms for accountability;

(5) to authorize the Secretaries to expand partnerships and to contract with non-profit organizations, conservation groups, small and micro-enterprises, cooperatives, non-Federal conservation corps, and other parties to encourage them to provide services or products that facilitate the restoration of damaged lands; and

(6) to improve communication and joint problem solving, consistent with Federal and State environmental laws, among individuals and groups who are interested in restoring the diversity and productivity of watersheds.

#### SEC. 203. DEFINITIONS.

As used in this title:

(1) The term "public lands" has the meaning given such term in section 103(e) of the Federal Land Policy and Management Act (43 U.S.C. 1702(e)).

(2) The term "National Forest System" has the meaning given such term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1609(a)).

(3) The term "Secretaries" means the Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(4) The term "restore" means to incorporate historic, current, and new scientific information as it becomes available, to reintroduce, maintain, or enhance the characteristics, functions, and ecological processes of healthy, properly functioning watersheds.

(5) The term "local" means within the same county, watershed unit, or jurisdiction of a Resource Advisory Council established pursuant to Public Law 106-393 where an associated restoration project, or projects, are conducted.

(6) The term "micro-enterprise" means a non-subsidiary business or cooperative employing five or fewer people.

(7) The term "small enterprise" means a non-subsidiary business or cooperative employing between 6 and 150 people.

(8) The term "value-added processing" means additional processing of a product to increase its economic value and to create additional jobs and benefits where the processing is done.

(9) The term "low-impact equipment" means the use of equipment for restorative, maintenance, or extraction purposes that minimizes or eliminates impacts to soils and other resources.

(10) The terms "rural" and "rural area" mean, a city, town, or unincorporated area that has a population of 50,000 inhabitants or less, other than an urbanized area immediately adjacent to a city, town, or unincorporated area that has a population in excess of 50,000 inhabitants.

#### SEC. 204. ESTABLISHMENT OF PROGRAM.

(a) REQUIREMENTS.—The Secretaries shall jointly establish a National Forest System and public lands collaborative community-based restoration program. The purposes of the program shall be:

(1) to identify projects that will restore degraded National Forest System and public lands; and

(2) to implement such projects in a collaborative way and in a way that builds rural community capacity to restore and maintain in perpetuity the health of the National Forest System and other public lands.

(b) COOPERATION.—The Secretaries may enter into cooperative agreements with willing tribal governments, State and local governments, private and nonprofit entities and landowners for protection, restoration, and enhancement of fish and wildlife habitat, forests, and other resources on the National Forest System and public lands.

(c) MONITORING.—

(1) The Secretaries shall establish a multiparty monitoring, evaluation, and accountability process in order to assess the cumulative accomplishments or adverse impacts of projects implemented under this title. The Secretaries shall include any interested individual or organization in the monitoring and evaluation process.

(2) Not later than 5 years after the date of enactment of this title, the Secretaries shall submit a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives detailing the information gathered as a result of the multiparty monitoring and evaluation. The report shall include an assessment on whether, and to what extent, the



projects funded pursuant to this title are meeting the purposes of the title.

(3) The Secretaries shall ensure that monitoring data is collected and compiled in a way that the general public can easily access. The Secretaries may collect the data using cooperative agreements, grants, or contracts with small or micro-enterprises, or Youth Conservation Corps work crews or related partnerships with State, local, and other non-Federal conservation corps.

(d) The Secretaries shall hire additional outreach specialists, grants and agreements specialists, and contract specialists in order to implement this title.

#### **SEC. 205. FOREST RESTORATION AND VALUE-ADDED CENTERS.**

(a) **ESTABLISHMENT.**—Subject to subsection (d), the Secretaries shall provide cost-share grants, cooperative agreements, or both to establish Restoration and Value-Added Centers in order to improve the implementation of collaborative, community-based restoration projects on National Forest System or public lands.

(b) **REQUIREMENTS.**—The Restoration and Value-Added Centers shall provide technical assistance to non-profit organizations, small or micro-enterprises or individuals interested in creating a natural-resource related small or micro-enterprise in the following areas—

(1) restoration, and

(2) processing techniques for the byproducts of restoration and value-added manufacturing.

(c) **ADDITIONAL REQUIREMENTS.**—The Restoration and Value-Added Centers shall provide technical assistance in one or more of the following—

(1) using the latest, independent peer reviewed, scientific information and methodology to accomplish restoration and ecosystem health objectives,

(2) workforce training for value-added manufacturing and restoration,

(3) marketing and business support for conservation-based small and micro-enterprises,

(4) accessing urban markets for small and micro-enterprises located in rural communities,

(5) developing technology for restoration and the use of products resulting from restoration,

(6) accessing funding from government and non-government sources, and

(7) development of economic infrastructure including collaborative planning, proposal development, and grant writing where appropriate.

(d) **LOCATIONS.**—The Secretaries shall ensure that at least one Restoration and Value-Added Center is located within Idaho, New Mexico, Montana, northern California, eastern Oregon, and Washington and that every Restoration and Value-Added Center is located in a rural community that is adjacent to or surrounded by National Forest System or other public lands.

(1) The Secretaries may enter into partnerships and cooperative agreements with other Federal agencies or other organizations, including local non-profit organizations, conservation groups, or community colleges in creating and maintaining the Restoration and Value-Added Centers.

(2) The appropriate Regional Forester and State Bureau of Land Management Director will issue a request for proposals to create a Restoration and Value-Added Center. The Regional Forester and State Bureau of Land Management Director will select a proposal with input from existing Resource and Technical Advisory Committees where appropriate.

(3) The Secretaries shall provide cost-share grants, cooperative agreements, or both equaling 75 percent of each Restoration and

Value-Added Center's operating costs, including business planning, not to exceed \$1 million annually per center.

(4) Within 30 days of approving a grant or cooperative agreement to establish a Restoration and Value-Added Center, the Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives and identify the recipient of the grant award or cooperative agreement.

(5) After a Restoration and Value-Added Center has operated for five years, the Secretary of Agriculture shall assess the center's performance and begin to reduce, by 25 percent annually, the level of Federal funding for the center's operating costs.

(e) **REPORT.**—No later than five years after the date of enactment of this title, the Secretaries shall submit a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives, assessing the Restoration and Value-Added Centers created pursuant to this section. The report shall include—

(1) descriptions of the organizations receiving assistance from the centers, including their geographic and demographic distribution,

(2) a summary of the projects the technical assistance recipients implemented, and

(3) an estimate of the number of non-profit organizations, small enterprises, micro-enterprises, or individuals assisted by the Restoration and Value-Added Centers.

#### **SEC. 206. COMMUNITY-BASED NATIONAL FOREST SYSTEM AND PUBLIC LANDS RESTORATION.**

(a) **ESTABLISHMENT.**—

(1) Notwithstanding Federal procurement laws, the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301 et seq.), and the Competition in Contracting Act, the Secretaries shall ensure that a percentage of the total dollar value of contracts and agreements they award in each fiscal year beginning after the date of enactment of this Act are awarded to qualifying entities as follows:

(A) 10 percent in the first fiscal year;

(B) 20 percent in the second fiscal year;

(C) 30 percent in the third fiscal year;

(D) 40 percent in the fourth fiscal year; and

(E) 50 percent in the fifth fiscal year and each fiscal year thereafter.

(2) For purposes of this section:

(A) The term "contracts and agreements" means special salvage timber sale contracts, other timber sale contracts, service contracts, construction contracts, supply contracts, emergency equipment rental agreements, architectural and engineering contracts, challenge cost-share agreements, cooperative agreements, and participating agreements.

(B) The term "qualifying entity" means—

(i) a natural-resource related small or micro-enterprise;

(ii) a Youth Conservation Corps crews or related partnerships with State, local and other non-Federal conservation corps;

(iii) an entity that will hire and train local people to complete the service or timber sale contract;

(iv) an entity that will re-train non-local traditional forest workers to complete the service or timber sale contract; or

(v) a local entity that meets the criteria to qualify for the Historically Underutilized Business Zone Program under section 32 of the Small Business Act (15 U.S.C. 657a).

(b) **NOTICE OF NATIONAL FOREST SYSTEM PLAN.**—At the beginning of each fiscal year, each unit of the National Forest System shall make its advanced acquisition plan publicly available, including publishing it in

a local newspaper for a minimum of 15 working days.

(c) **BEST VALUE CONTRACTING.**—In order to implement projects, the Secretaries may select a source for performance of a contract or agreement on a best value basis with consideration of one or more of the following:

(1) Understanding of the technical demands and complexity of the work to be done.

(2) Ability of the offeror to meet desired ecological objectives of the project and the sensitivity of the resources being treated.

(3) The potential for benefit to local small and micro-enterprises.

(4) The past performance and qualification by the contractor with the type of work being done, the application of low-impact equipment, and the ability of the contractor or purchaser to meet desired ecological conditions.

(5) The commitment of the contractor to training workers for high wage and high skill jobs.

(6) The commitment of the contractor to hiring highly qualified workers and local residents.

#### **SEC. 207. NATIONAL FOREST SYSTEM RESEARCH AND TRAINING.**

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary of Agriculture shall establish a program of applied research using the resources of Forest Service Research Station and the Forest Product Laboratory. The purposes of the program shall be to—

(1) identify restoration methods and treatments that minimize impacts to the land, such as through the use of low-impact techniques and equipment; and

(2) test and develop value-added products created from the by-products of restoration.

(b) **DISSEMINATION OF RESEARCH TO COMMUNITIES.**—The Secretary of Agriculture shall disseminate the applied research to rural communities, including the Restoration and Value-Added Centers, adjacent to or surrounded by National Forest System or public lands. The Secretary of Agriculture shall annually conduct training workshops and classes in such communities to ensure that residents of such communities have access to the information.

(c) **COOPERATION.**—In establishing the program required pursuant to this section, the Secretary of Agriculture may partner with nonprofit organizations or community colleges.

(d) **MONITORING.**—In designing the multiparty monitoring and evaluation process to assess the cumulative accomplishments or adverse impacts of projects implemented under this title pursuant to section 204, the Secretaries shall use the expertise of Forest Service Research Stations.

#### **SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

These are authorized to be appropriated such sums as may be necessary to carry out this title.

#### **SEC. 209. SMALL BUSINESS ADMINISTRATION.**

Nothing in this title is intended to modify the Small Business Act, Public Law 83-167, regulations promulgated by the Small Business Administration at 13 CFR, Part 121, or affect the Small Business shares prescribed in the Memorandum of Understanding on the Small Business Set Aside Program or the amount of timber volume offered to SBA qualified companies.

#### **TITLE III—FINGER LAKES NATIONAL FOREST LAND WITHDRAWAL**

#### **SEC. 301. FINGER LAKES NATIONAL FOREST LAND WITHDRAWAL.**

All Federal land within the boundary of Finger Lakes National Forest in the State of New York is withdrawn from all forms of entry, appropriation, or disposal under the public land laws and disposition under all laws relating to oil and gas leasing.

## TITLE IV—ALASKA NAVIGABLE WATERS COMMISSION

## SEC. 401. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The efficient and orderly development of the State of Alaska will be better achieved if the Federal Government joins the State of Alaska in a carefully coordinated approach to identify ownership and jurisdictional interests in land and waters.

(2) Alaska has abundant water resources that are invaluable to State residents and all citizens of the United States.

(3) Because of the massive number of navigable waterways and other bodies of water in the State of Alaska, the task of resolving submerged land ownership and navigable water determinations has been very slow, counter-productive from an orderly resource management standpoint, and costly as the State, private landowners, and the Federal Government attempt to initiate long-range planning processes.

(b) PURPOSES.—The purposes of this title are:

(1) To expedite the process of quieting legitimate title to the submerged lands in the State of Alaska;

(2) To facilitate determinations for purposes of the Submerged Lands Act (43 U.S.C. 1301 et seq.), to the extent possible, which bodies of water in Alaska are navigable waters and which such bodies of water are not navigable waters; and

(3) To recommend to the State of Alaska and the Federal Government—

(A) ways to improve the process of making water use and navigability decisions; and

(B) ways to fairly and expeditiously quiet title to the State's submerged lands and assist in the determination of the specifically reserved lands that will remain in Federal ownership.

## SEC. 402. SHORT TITLE.

This title may be cited as the 'Joint Federal and State Navigable Waters Commission for Alaska Act'.

## SEC. 403. ESTABLISHMENT.

There is established a commission to be known as the "Joint Federal and State Navigable Waters Commission for Alaska" (referred to in this Act as the "Commission").

## SEC. 404. DUTIES OF THE COMMISSION.

The Commission shall—

(1) make recommendations to the Secretary of the Interior and the State of Alaska regarding determinations of bodies of water in the State that are navigable waters for purposes of the Submerged Lands Act (43 U.S.C. 1301 et seq.);

(2) establish a process for employing established standards to facilitate making such recommendations and determinations;

(3) develop procedures for involving private landowners, including Alaska Native corporations and the general public, in that process;

(4) for purposes of making such recommendations, undertake a process to identify navigable waters in Alaska pursuant to established standards and criteria; and

(5) make recommendations to improve coordination and consultation between the government of the State of Alaska and the Federal Government regarding navigability determinations and decisions concerning title to submerged lands.

## SEC. 405. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall be composed of 14 members, of which 7 shall be Federal members appointed under subsection (b) and 7 shall be State members appointed under subsection (c).

(2) APPOINTMENT DEADLINE.—Initial appointments under this section shall be made not later than 60 days after the date of enactment of this title.

(b) FEDERAL MEMBERS.—The 7 Federal members shall consist of—

(1) 2 members appointed by the President of the United States, one of which shall be designated as the President's appointee for the position of Federal co-chair under subsection (e);

(2) 1 member appointed by each of the three members of the Congress who represent the State of Alaska;

(3) 1 member appointed by the Secretary of the Interior; and

(4) 1 member appointed by the Secretary of Agriculture.

(c) STATE MEMBERS.—The 7 State members shall be appointed in accordance with the requirements of state law.

(d) INELIGIBILITY FOR APPOINTMENT.—Members of Congress shall not be eligible for appointment to the Commission.

(e) CO-CHAIRS.—One of the members appointed by the President of the United States and the Governor or Governor's designee shall serve as co-chairs of the Commission.

(f) INITIAL MEETING.—The initial meeting of the Commission shall be called by the co-chairs.

(g) TERM OF APPOINTMENT.—

(1) IN GENERAL.—Subject to paragraph (2), members of the Commission shall be appointed for the life of the Commission.

(2) Early termination of appointment—

(A) Membership of a member of the Commission shall terminate if the member is an individual who is an officer or employee of a government body and who ceases to serve as such an officer or employee, or if the member is an individual who is not an officer or employee of a government and who becomes an officer or employee of a government.

(B) Termination of an individual's membership pursuant to paragraph (A) shall take effect on the expiration of the 90-day period beginning on the date such member ceases to be such an officer or employee of such government, or becomes an officer or employee of a government, respectively.

(h) QUORUM.—4 Federal members and 4 State members of the Commission shall constitute a quorum, but a lesser number may conduct meetings. All decisions of the Commission shall require concurrence by at least 4 State members and 4 Federal members of the Commission.

(i) VACANCY.—A vacancy in the membership of the Commission—

(1) shall not affect the powers of the Commission to meet or conduct business, subject to subsection (h); and (2) shall be filled in the same manner in which the original appointment was made, by the same appointing authority.

## SEC. 406. COMPENSATION OF THE COMMISSION.

(a) Pay for Federal Members of the Commission—

(1) NON-GOVERNMENT EMPLOYEES.—Each Federal member of the Commission who is not otherwise an officer or employee of the Federal Government shall be entitled to receive the daily equivalent of the annual rate of basic pay payable for Level IV of the Executive Schedule under section 5315 of title 5, United States Code, as in effect from time to time, for each day (including travel time) during which such member is engaged in the actual performance of duties of the Commission.

(2) GOVERNMENT EMPLOYEES.—A member of the Commission who is an officer or employee of either the government of the State of Alaska or the Federal Government shall serve without additional pay or benefits for service as a member of the Commission.

(b) TRAVEL EXPENSES.—Federal members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code. State members of the Commission are entitled to per diem and travel expenses as authorized under pertinent laws of the State of Alaska.

## SEC. 407. POWERS OF THE COMMISSION.

(a) HEARINGS AND MEETINGS.—The Commission or, on the authorization of the Commission, any subcommittee or member of the Commission may, for the purposes of carrying out its duties, hold hearings, take testimony, receive evidence, print or otherwise reproduce and distribute all or part of commission proceedings and reports, and sit and act at those times and places as the Commission, subcommittee, or members consider desirable.

(b) INFORMATION FOR THE COMMISSION.—The Commission may obtain directly from any executive agency (as defined in section 105 of title 5 of the United States Code) or court, information necessary to enable it to carry out its duties under this Act. On this request of either co-chair of the Commission, and consistent with applicable law, the head of an executive agency or of a Federal court shall provide such information to the Commission.

(c) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(d) VOLUNTEER SERVICES.—The Commission may accept volunteer services for the purpose of aiding or facilitating the work of the Commission.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this title.

(g) CONTRACT AUTHORITY.—To the extent or in the amounts provided in advance in appropriation Acts, the Commission may contract with and compensate government and private agencies or persons for property or services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

## SEC. 408. STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) STAFF.—Subject to rules prescribed by the Commission, the co-chairs may appoint and fix the pay of personnel as they consider appropriate.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay for GS-15 of the General Schedule.

(c) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the Commission, the co-chairs may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay for GS-15 of the General Schedule.

(d) STAFF OF FEDERAL AGENCIES.—Upon request of the co-chairs, the head of any Federal department or agency may detail, on a

reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this title.

#### SEC. 409. RELATIONSHIP TO OTHER LAW.

The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to the Commission.

#### SEC. 410. REPORTS.

(a) ANNUAL REPORT.—Not later than January 31 of each year, the Commission shall submit to the President of the United States, the Committee on Energy and Natural Resources of the United States Senate, the Committee on Resources of the House of Representatives, the Governor of the State of Alaska, and the legislature of the State of Alaska a written report describing its activities during the preceding year.

(b) FINAL REPORT.—The Commission shall submit a final comprehensive report to the officials and entities referred to in subsection (a) at least 10 days before the date the Commission terminates.

#### SEC. 411. TERMINATION OF THE COMMISSION.

The Commission is terminated 2 years after the date of completion of appointment of all members of the Commission.

#### TITLE V—LAND CONVEYANCE TO HAINES, OREGON

#### SEC. 501. CONVEYANCE TO THE CITY OF HAINES, OREGON.

(a) CONVEYANCE.—As soon as practicable after the date of enactment of this title, the Secretary of the Interior shall convey, without consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (b) to the city of Haines, Oregon.

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is the parcel of Bureau of Land Management land consisting of approximately 40 acres, as indicated on the map entitled “S. 1907: Conveyance to the City of Haines, Oregon” and dated May 9, 2002.

**SA 4977.** Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill S. 2222, to resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation, and for other purposes, as follows:

Strike all after the enacting clause and insert:

#### TITLE I—CAPE FOX LAND ENTITLEMENT ADJUSTMENT ACT

#### SECTION 101. SHORT TITLE.

This title may be cited as the “Cape Fox Land Entitlement Adjustment Act of 2002”.

#### SEC. 102. FINDINGS.

Congress finds that:

(1) Cape Fox Corporation (Cape Fox) is an Alaska Native Village Corporation organized pursuant to the Alaska Native Claims Settlement Act (ANCSA) (43 U.S.C. 1601 et seq.) for the Native Village of Saxman.

(2) As with other ANCSA village corporations in Southeast Alaska, Cape Fox was limited to selecting 23,040 acres under section 16 of ANCSA.

(3) Except for Cape Fox, all other Southeast Alaska ANCSA village corporations were restricted from selecting within two miles of a home rule city.

(4) To protect the watersheds in the vicinity of Ketchikan, Cape Fox was restricted from selecting lands within six miles from the boundary of the home rule City of Ketchikan under section 22(1) of ANCSA (43 U.S.C. 1621(1)).

(5) The six mile restriction damaged Cape Fox by precluding the corporation from selecting valuable timber lands, industrial sites, and other commercial property, not only in its core township but in surrounding lands far removed from Ketchikan and its watershed.

(6) As a result of the six mile restriction, only the remote mountainous northeast corner of Cape Fox's core township, which is nonproductive and of no known economic value, was available for selection by the corporation. Selection of this parcel was, however, mandated by section 16(b) of ANCSA (43 U.S.C. 1615(b)).

(7) Cape Fox's land selections were further limited by the fact that the Annette Island Indian Reservation is within its selection area, and those lands were unavailable for ANCSA selection. Cape Fox is the only ANCSA village corporation affected by this restriction.

(8) Adjustment of Cape Fox's selections and conveyances of land under ANCSA requires adjustment of Sealaska Corporation's (Sealaska) selections and conveyances to avoid creation of additional split estate between National Forest System surface lands and Sealaska subsurface lands.

(9) There is an additional need to resolve existing areas of Sealaska/Tongass split estate, in which Sealaska holds title or conveyance rights to several thousand acres of subsurface lands that encumber management of Tongass National Forest surface lands.

(10) The Tongass National Forest lands identified in this Act for selection by and conveyance to Cape Fox and Sealaska, subject to valid existing rights, provide a means to resolve some of the Cape Fox and Sealaska ANCSA land entitlement issues without significantly affecting Tongass National Forest resources, uses or values.

(11) Adjustment of Cape Fox's selections and conveyances of land under ANCSA through the provisions of this Act, and the related adjustment of Sealaska's selections and conveyances hereunder, are in accordance with the purposes of ANCSA and otherwise in the public interest.

#### SEC. 103. WAIVER OF CORE TOWNSHIP REQUIREMENT FOR CERTAIN LANDS.

Notwithstanding the provisions of section 16(b) of ANCSA (43 U.S.C. 1615(b)), Cape Fox shall not be required to select or receive conveyance of approximately 160 acres of federal un conveyed lands within Section 1, T. 75 S., R. 91 E., C.R.M.

#### SEC. 104. SELECTION OUTSIDE EXTERIOR SELECTION BOUNDARY.

(a) SELECTION AND CONVEYANCE OF SURFACE ESTATE.—In addition to lands made available for selection under ANCSA, within 24 months after the date of enactment of this title, Cape Fox may select, and, upon receiving written notice of such selection, the Secretary of the Interior shall convey approximately 99 acres of the surface estate of Tongass National Forest lands outside Cape Fox's current exterior selection boundary, specifically that parcel described as follows:

- (1) T. 73 S., R. 90 E., C.R.M.
- (2) Section 33: SW portion of SE¼: 38 acres.
- (3) Section 33: NW portion of SE¼: 13 acres.
- (4) Section 33: SE¼ of SE¼: 40 acres.
- (5) Section 33: SE¼ of SW¼: 8 acres.

(b) CONVEYANCE OF SUBSURFACE ESTATE.—Upon conveyance to Cape Fox of the surface estate to the lands identified in subsection (a), the Secretary of the Interior shall convey to Sealaska the subsurface estate to the lands.

(c) TIMING.—The Secretary of the Interior shall complete the interim conveyances to Cape Fox and Sealaska under this section within 180 days after the Secretary of the Interior receives notice of the Cape Fox selection under subsection (a).

#### SEC. 105. EXCHANGE OF LANDS BETWEEN CAPE FOX AND THE TONGASS NATIONAL FOREST.

(a) GENERAL.—The Secretary of Agriculture shall offer, and if accepted by Cape Fox, shall exchange the federal lands described in subsection (b) for lands and interests therein identified by Cape Fox under subsection (c) and, to the extent necessary, lands and interests therein identified under subsection (d).

(b) LANDS TO BE EXCHANGED TO CAPE FOX.—The lands to be offered for exchange by the Secretary of Agriculture are Tongass National Forest lands comprising approximately 2,663.9 acres in T. 36 S., R. 62 E., C.R.M. and T. 35 S., R. 62 E., C.R.M., as designated upon a map entitled “Proposed Kensington Project Land Exchange,” dated March 18, 2002, and available for inspection in the Forest Service Region 10 regional office in Juneau, Alaska.

(c) LANDS TO BE EXCHANGED TO THE UNITED STATES.—Cape Fox shall be entitled, within 60 days after the date of enactment of this Act, to identify in writing to the Secretaries of Agriculture and the Interior the lands and interests in lands that Cape Fox proposes to exchange for the federal lands described in subsection (b). The lands and interests in lands shall be identified from lands previously conveyed to Cape Fox comprising approximately 2,900 acres and designated as parcels A-1 to A-3, B-1 to B-3, and C upon a map entitled “Cape Fox Corporation ANCSA Land Exchange Proposal,” dated March 15, 2002, and available for inspection in the Forest Service Region 10 regional office in Juneau, Alaska. Lands identified for exchange within each parcel shall be contiguous to adjacent National Forest System lands and in reasonably compact tracts. The lands identified for exchange shall include a public trail easement designated as D on said map, unless the Secretary of Agriculture agrees otherwise. The value of the easement shall be included in determining the total value of lands exchanged to the United States.

(d) VALUATION OF EXCHANGE LANDS.—The Secretary of Agriculture shall determine whether the lands identified by Cape Fox under subsection (c) are equal in value to the lands described in subsection (b). If the lands identified under subsection (c) are determined to have insufficient value to equal the value of the lands described in subsection (b), Cape Fox and the Secretary shall mutually identify additional Cape Fox lands for exchange sufficient to equalize the value of lands conveyed to Cape Fox. Such land shall be contiguous to adjacent National Forest System lands and in reasonably compact tracts.

(e) CONDITIONS.—The offer and conveyance of Federal lands to Cape Fox in the exchange shall, notwithstanding section 14(f) of ANCSA, be of the surface and subsurface estate, but subject to valid existing rights and all other provisions of section 14(g) of ANCSA.

(f) TIMING.—The Secretary of Agriculture shall attempt, within 90 days after the date of enactment of this title, to enter into an agreement with Cape Fox to consummate the exchange consistent with this title. The lands identified in the exchange agreement shall be exchanged by conveyance at the earliest possible date after the exchange agreement is signed. Subject only to conveyance from Cape Fox to the United States of all its rights, title and interests in the Cape Fox lands included in the exchange consistent with this title, the Secretary of the Interior shall complete the interim conveyance to Cape Fox of the federal lands included in the exchange within 180 days after the execution of the exchange agreement by Cape Fox and the Secretary of Agriculture.

# **SEC. 106. EXCHANGE OF LANDS BETWEEN SEALASKA AND THE TONGASS NATIONAL FOREST.**

(a) **GENERAL.**—Upon conveyance of the Cape Fox lands included in the exchange under section 105 and conveyance and relinquishment by Sealaska in accordance with this title of the lands and interests in lands described in subsection (c), the Secretary of the Interior shall convey to Sealaska the federal lands identified for exchange under subsection (b).

(b) **LANDS TO BE EXCHANGED TO SEALASKA.**—The lands to be exchanged to Sealaska are to be selected by Sealaska from Tongass National Forest lands comprising approximately 9,329 acres in T. 36 S., R. 62 E., C.R.M., T. 35 S., R. 62 E., C.R.M., and T. 34 S., Range 62 E., C.R.M., as designated upon a map entitled "Proposed Sealaska Corporation Land Exchange Kensington Lands Selection Area," dated April 2002 and available for inspection in the Forest Service Region 10 Regional Office in Juneau, Alaska. Within 60 days after receiving notice of the identification by Cape Fox of the exchange lands under Section 105(c), Sealaska shall be entitled to identify in writing to the Secretaries of Agriculture and the Interior the lands that Sealaska selects to receive in exchange for the Sealaska lands described in subsection (c). Lands selected by Sealaska shall be in no more than two contiguous and reasonably compact tracts that adjoin the lands described for exchange to Cape Fox in section 105(b). The Secretary of Agriculture shall determine whether these selected lands are equal in value to the lands described in subsection (c) and may adjust the amount of selected lands in order to reach agreement with Sealaska regarding equal value. The exchange conveyance to Sealaska shall be of the surface and subsurface estate in the lands selected and agreed to by the Secretary but subject to valid existing rights and all other provisions of section 14(g) of ANCSA.

(c) **LANDS TO BE EXCHANGED TO THE UNITED STATES.**—The lands and interests therein to be exchanged by Sealaska are the subsurface estate underlying the Cape Fox exchange lands described in section 105(c), an additional approximately 2,506 acres of the subsurface estate underlying Tongass National Forest surface estate, described in Interim Conveyance No. 1673, and rights to be additional approximately 2,698 acres of subsurface estate of Tongass National Forest lands remaining to be conveyed to Sealaska from Group 1, 2 and 3 lands as set forth in the Sealaska Corporation/United States Forest Service 3 lands as set forth in the Sealaska Corporation/United States Forest Service Split Estate Exchange Agreement of November 26, 1991, at Schedule B, as modified on January 20, 1995.

(d) **TIMING.**—The Secretary of Agriculture shall attempt, within 90 days after receipt of the selection of lands by Sealaska under subsection (b), to enter into an agreement with Sealaska to consummate the exchange consistent with this title. The lands identified in the exchange agreement shall be exchanged by conveyance at the earliest possible date after the exchange agreement is signed. Subject only to the Cape Fox and Sealaska conveyances and relinquishments described in subsection (a), the Secretary of the Interior shall complete the interim conveyance to Sealaska of the federal lands selected for exchange within 180 days after execution of the agreement by Sealaska and the Secretary of Agriculture.

(e) **MODIFICATION OF AGREEMENT.**—The executed exchange agreement under this section shall be considered a further modification of the Sealaska Corporation/United States Forest Service Split Estate Exchange Agree-

ment, as ratified in section 17 of Public Law 102-415 (October 14, 1992).

## **SEC. 107. MISCELLANEOUS PROVISIONS.**

(a) **EQUAL VALUE REQUIREMENT.**—The exchanges described in this title shall be of equal value. Cape Fox and Sealaska shall have the opportunity to present to the Secretary of Agriculture estimates of value of exchange lands with the Secretary of Agriculture estimates of value of exchange lands with supporting information.

(b) **TITLE.**—Cape Fox and Sealaska shall convey and provide evidence of title satisfactory to the Secretary of Agriculture for their respective lands to be exchanged to the United States under this title, subject only to exceptions, reservations and encumbrances in the interim conveyance or patent from the United States or otherwise acceptable to the Secretary of Agriculture.

(c) **HAZARDOUS SUBSTANCES.**—Cape Fox, Sealaska, and the United States each shall not be subject to liability for the presence of any hazardous substance in land or interests in land solely as a result of any conveyance or transfer of the land or interests under this title.

(d) **EFFECT ON ANCSA SELECTIONS.**—Any conveyance of federal surface or subsurface lands to Cape Fox or Sealaska under this title shall be considered, for all purposes, land conveyed pursuant to ANCSA. Nothing in this title shall be construed to change the total acreage of land entitlement of Cape Fox or Sealaska under ANCSA. Cape Fox and Sealaska shall remain charged for any lands they exchange under this title and any lands conveyed pursuant to section 4, but shall not be charged for any lands received under section 5 or section 6. The exchanges described in this title shall be considered, for all purposes, actions which lead to the issuance of conveyances to Native Corporations pursuant to ANCSA. Lands or interests therein transferred to the United States pursuant to ANCSA. Lands or interests therein transferred to the United States under this title shall become and be administered as part of the Tongass National Forest.

(e) **EFFECT ON STATEHOOD SELECTIONS.**—Lands conveyed to or selected by the State of Alaska under the Alaska Statehood Act (Public Law 85-508; 72 Stat. 339; 48 U.S.C. note prec. 21) shall not be eligible for selection or conveyance under this title without the consent of the State of Alaska.

(f) **MAPS.**—The maps referred to in this title shall be maintained on file in the Forest Service Region 10 Regional Office in Juneau, Alaska. The acreages cited in this title are approximate, and if there is any discrepancy between cited acreage and the land depicted on the specified maps, the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land.

(g) **EASEMENTS.**—Notwithstanding section 17(b) of ANCSA, federal lands conveyed to Cape Fox or Sealaska pursuant to this title shall be subject only to the reservation of public easements mutually agreed to and set forth in the exchange agreements executed under this title. The easements shall include easements necessary for access across the lands conveyed under this title for use of national forest or other public lands.

(h) **OLD GROWTH RESERVES.**—The Secretary of Agriculture shall add an equal number of acres to old growth reserves on the Tongass National Forest as are transferred out of Federal ownership as a result of this title.

## **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

(a) **DEPARTMENT OF AGRICULTURE.**—There are authorized to be appropriated to the Secretary of Agriculture such sums as may be necessary for value estimation and related costs of exchanging lands specified in this

title, and for road rehabilitation, habitat and timber stand improvement, including thinning and pruning, on lands acquired by the United States under this title.

(b) **DEPARTMENT OF THE INTERIOR.**—There are authorized to be appropriated to the Secretary of the Interior such sums as may be necessary for land surveys and conveyances pursuant to this title.

## **TITLE II—LAND CONVEYANCE TO CLARK COUNTY, NEVADA**

### **SECTION 201. CONVEYANCE OF PROPERTY TO CLARK COUNTY, NEVADA.**

(a) **FINDINGS.**—Congress finds that—

(1) the Las Vegas area has experienced such rapid growth in the last few years that traditional locations for target shooting are now too close to populated areas for safety;

(2) there is a need to designate a centralized location in the Las Vegas valley where target shooters can practice safely; and

(3) a central facility is also needed for persons training in the use of firearms, such as local law enforcement and security personnel.

(b) **PURPOSES.**—The purposes of this title are—

(1) to provide a suitable location for the establishment of a centralized shooting facility in the Las Vegas valley; and

(2) to provide the public with—

(A) opportunities for education and recreation; and

(B) a location for competitive events and marksmanship training.

(c) **CONVEYANCE.**—As soon as practicable after the date of enactment of this title, the Secretary of the Interior shall convey to Clark County, Nevada, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the following parcels of land:

(1) the approximately 640 acres of land depicted as "Site Location" on the map entitled "Shooting Range, Las Vegas Valley" and dated October 2, 2002 (hereinafter referred to as the "Map"), to be conveyed under the Recreation and Public Purposes Act (43 U.S.C. 869), notwithstanding subsection (b) of the Act, to the extent there is any conflict with this subsection; and

(2) the approximately 2,240 acres of land depicted as "Open Space" on the Map.

(d) **USE OF LAND.**—

(1) **SHOOTING RANGE.**—The land depicted as "Site Location" on the Map shall be used by Clark County for the purposes described in subsection (b) only.

(2) **OPEN SPACE.**—The land depicted as "Open Space" on the Map shall be used by Clark County solely to provide open space, wildlife habitat, and a buffer around the shooting range facility.

(3) **DISPOSAL.**—None of the land conveyed under subsection (c) shall be disposed of by the County.

(4) **REVERSION.**—If Clark County ceases to use any parcel for the purposes described in this subsection, or attempts to dispose of any parcel, title to the parcel shall revert to the United States, at the option of the United States.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Interior may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

## **TITLE III—BLUNT RESERVOIR AND PIERRE CANAL LAND CONVEYANCE**

### **SECTION 301. SHORT TITLE.**

This Act may be cited as the "Blunt Reservoir and Pierre Canal Land Conveyance Act of 2002".

### **SEC. 302. BLUNT RESERVOIR AND PIERRE CANAL.**

(a) **DEFINITIONS.**—In this section:

(1) **BLUNT RESERVOIR FEATURE.**—The term “Blunt Reservoir feature” means the Blunt Reservoir feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin Program.

(2) **COMMISSION.**—The term “Commission” means the Commission of Schools and Public Lands of the State.

(3) **NONPREFERENTIAL LEASE PARCEL.**—The term “nonpreferential lease parcel” means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a nonpreferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(4) **PIERRE CANAL FEATURE.**—The term “Pierre Canal feature” means the Pierre Canal feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin Program.

(5) **PREFERENTIAL LEASEHOLDER.**—The term “preferential leaseholder” means a person or descendant of a person that held a lease on a preferential lease parcel as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(6) **PREFERENTIAL LEASE PARCEL.**—The term “preferential lease parcel” means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a preferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) **STATE.**—The term “State” means the State of South Dakota, including a successor in interest of the State.

(9) **UNLEASED PARCEL.**—The term “unleased parcel” means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is not under lease as of the date of enactment of this Act.

(b) **DEAUTHORIZATION.**—The Blunt Reservoir feature is deauthorized.

(c) **ACCEPTANCE OF LAND AND OBLIGATIONS.**—

(1) **IN GENERAL.**—As a condition of each conveyance under subsections (d)(5) and (e), respectively, the State shall agree to accept—

(A) in “as is” condition, the portions of the Blunt Reservoir Feature and the Pierre Canal Feature that pass into State ownership;

(B) any liability accruing after the date of conveyance as a result of the ownership, operation, or maintenance of the features referred to in subparagraph (A), including liability associated with certain outstanding obligations associated with expired easements, or any other right granted in, on, over, or across either feature; and

(C) the responsibility that the Commission will act as the agent for the Secretary in administering the purchase option extended to preferential leaseholders under subsection (d).

(2) **RESPONSIBILITIES OF THE STATE.**—An outstanding obligation described in paragraph (1)(B) shall inure to the benefit of, and be binding upon, the State.

(3) **OIL, GAS, MINERAL AND OTHER OUTSTANDING RIGHTS.**—A conveyance to the State under subsection (d)(5) or (e) or a sale

to a preferential leaseholder under subsection (d) shall be made subject to—

(A) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by or in favor of a third party; and

(B) any permit, license, lease, right-of-use, or right-of-way of record in, on, over, or across a feature referred to in paragraph (1)(A) that is outstanding as to a third party as of the date of enactment of this Act.

(4) **ADDITIONAL CONDITIONS OF CONVEYANCE TO STATE.**—A conveyance to the state under subsection (d)(5) or (e) shall be subject to the reservations by the United States and the conditions specified in section 1 of the Act of May 19, 1948 (chapter 310; 62 Stat. 240), as amended (16 U.S.C. 667b), for the transfer of property to state agencies for wildlife conservation purposes.

(d) **PURCHASE OPTION.**—

(1) **IN GENERAL.**—A preferential leaseholder shall have an option to purchase from the Commission, acting as an agent for the Secretary, the preferential lease parcel that is the subject of the lease.

(2) **TERMS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), a preferential leaseholder may elect to purchase a parcel on 1 of the following terms:

(i) Cash purchase for the amount that is equal to—

(I) the value of the parcel determined under paragraph (4); minus

(II) 10 percent of that value.

(ii) Installment purchase, with 10 percent of the value of the parcel determined under paragraph (4) to be paid on the date of purchase and the remainder to be paid over not more than 30 years at 3 percent annual interest.

(B) **VALUE UNDER \$10,000.**—If the value of the parcel is under \$10,000, the purchase shall be made on a cash basis in accordance with subparagraph (A)(i).

(3) **OPTION EXERCISE PERIOD.**—

(A) **IN GENERAL.**—A preferential leaseholder shall have until the date that is 5 years after enactment of this title to exercise the option under paragraph (1).

(B) **CONTINUATION OF LEASES.**—Until the date specified in subparagraph (A), a preferential leaseholder shall be entitled to continue to lease from the Secretary the parcel leased by the preferential leaseholder under the same terms and conditions as under the lease, as in effect as of the date of enactment of this Act.

(4) **VALUATION.**—

(A) **IN GENERAL.**—The value of a preferential lease parcel shall be its fair market value for agricultural purposes determined by an independent appraisal, exclusive of the value of private improvements made by the leaseholders while the land was federally owned before the date of the enactment of this title, in conformance with the Uniform Appraisal Standards for Federal Land Acquisition.

(B) **FAIR MARKET VALUE.**—Any dispute over the fair market value of a property under subparagraph (A) shall be resolved in accordance with section 2201.4 of title 43, Code of Federal Regulations.

(5) **CONVEYANCE TO THE STATE.**—

(A) **IN GENERAL.**—If a preferential leaseholder fails to purchase a parcel within the period specified in paragraph (3)(A), the Secretary shall convey the parcel to the State of South Dakota Department of Game, Fish, and Parks.

(B) **WILDLIFE HABITAT MITIGATION.**—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(6) **USE OF PROCEEDS.**—Proceeds of sales of land under this title shall be deposited as miscellaneous funds in the Treasury and such funds shall be made available, subject to appropriations, to the State for the establishment of a trust fund to pay the county taxes on the lands received by the State Department of Game, Fish, and Parks under the bill.

(e) **CONVEYANCE OF NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.**—

(1) **CONVEYANCE BY SECRETARY TO STATE.**—

(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the South Dakota Department of Game, Fish, and Parks the nonpreferential lease parcels and unleased parcels of the Blunt Reservoir and Pierre Canal.

(B) **WILDLIFE HABITAT MITIGATION.**—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(2) **LAND EXCHANGES FOR NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.**—

(A) **IN GENERAL.**—With the concurrence of the South Dakota Department of Game, Fish, and Parks, the South Dakota Commission of Schools and Public Lands may allow a person to exchange land that the person owns elsewhere in the State for a nonpreferential lease parcel or unleased parcel at Blunt Reservoir or Pierre Canal, as the case may be.

(B) **PRIORITY.**—The right to exchange nonpreferential lease parcels or unleased parcels shall be granted in the following order or priority:

(i) Exchanges with current lessees for nonpreferential lease parcels.

(ii) Exchanges with adjoining and adjacent landowners for unleased parcels and nonpreferential lease parcels not exchanged by current lessees.

(C) **EASEMENT FOR WATER CONVEYANCE STRUCTURE.**—As a condition of the exchange of land of the Pierre Canal Feature under this paragraph, the United States reserves a perpetual easement to the land to allow for the right to design, construct, operate, maintain, repair, and replace a pipeline or other water conveyance structure over, under, across, or through the Pierre Canal Feature.

(f) **RELEASE FROM LIABILITY.**—

(1) **IN GENERAL.**—Effective on the date of conveyance of any parcel under this title, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the parcel, except for damages for acts of negligence committed by the United States or by an employee, agent, or contractor of the United States, before the date of conveyance.

(2) **NO ADDITIONAL LIABILITY.**—Nothing in this section adds to any liability that the United States may have under chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(g) **REQUIREMENTS CONCERNING CONVEYANCE OF LEASE PARCELS.**—

(1) **INTERIM REQUIREMENTS.**—During the period beginning on the date of enactment of this title and ending on the date of conveyance of the parcel, the Secretary shall continue to lease each preferential lease parcel or nonpreferential lease parcel to be conveyed under this section under the terms and conditions applicable to the parcel on the date of enactment of this title.

(2) **PROVISION OF PARCEL DESCRIPTIONS.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall provide the State a full legal description of all preferential lease parcels and nonpreferential lease parcels that may be conveyed under this section.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this Act \$750,000 to reimburse the Secretary for expenses incurred in implementing this title, and such sums as are necessary to reimburse the Commission for expenses incurred implementing this title, not to exceed 10 percent of the cost of each transaction conducted under this title.

#### TITLE IV—GLEN CANYON NATIONAL RECREATION AREA BOUNDARY REVISION

##### SEC. 401. SHORT TITLE.

This title may be cited as the “Glen Canyon National Recreation Area Boundary Revision Act of 2002”.

##### SEC. 402. GLEN CANYON NATIONAL RECREATION AREA BOUNDARY REVISION.

(a) **IN GENERAL.**—The first section of Public Law 92-593 (16 U.S.C. 460dd; 86 Stat. 1311) is amended—

(1) by striking “That in” and inserting “SECTION 1. (a) In”; and

(2) by adding at the end the following:

(b) In addition to the boundary change authority under subsection (a), the Secretary may acquire approximately 152 acres of private land in exchange for approximately 370 acres of land within the boundary of Glen Canyon National Recreation Area, as generally depicted on the map entitled “Page One Land Exchange Proposal”, number 608/60573a-2002, and dated May 16, 2002. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. Upon conclusion of the exchange, the boundary of the recreation area shall be revised to reflect the exchange.

(c) **CHANGE IN ACREAGE CEILING.**—Such section is further amended by striking “one million two hundred and thirty-six thousand eight hundred and eighty acres” and inserting “1,256,000 acres”.

#### TITLE V—WILD SKY WILDERNESS

##### SEC. 501. SHORT TITLE.

This title may be cited as the “Wild Sky Wilderness Act of 2002”.

##### SEC. 502. FINDINGS AND STATEMENT OF POLICY.

(a) **FINDINGS.**—Congress finds the following:

(1) Americans cherish the continued existence of diverse wilderness ecosystems and wildlife found on their Federal lands and share a strong sense of moral responsibility to protect their wilderness heritage as an enduring resource to cherish, protect, and bequeath undisturbed to future generations of Americans.

(2) The values an area of wilderness offer to this and future generations of Americans are greatly enhanced to the degree that the area is diverse in topography, elevation, life zones and ecosystems, and to the extent that it offers a wide range of outdoor recreational and educational opportunities accessible in all seasons of the year.

(3) Large blocks of wildlands embracing a wide range of ecosystems and topography, including low-elevation forests, have seldom remained undisturbed due to many decades of development.

(4) Certain wildlands on the western slope of the Cascade Range in the Skykomish River valley of the State of Washington offer an outstanding representation of the original character of the forested landscape, ranging from high alpine meadows and extremely rugged peaks to low-elevation mature and old-growth forests, including groves with some of the largest and most spectacular trees in Washington, with diameters of eight feet and larger.

(5) These diverse, thickly forested mountain slopes and valleys of mature and old-growth trees in the Skykomish River valley harbor nearly the full complement of the

original wildlife and fish species found by settlers of the 19th century, including mountain goats, bald eagles, black bear, pine marten, black-tailed deer, as well as rare and endangered wildlife such as northern spotted owls and goshawks, Chinook and Coho salmon, and steelhead and bull trout.

(6) An ecologically and topographically diverse wilderness area in the Skykomish River valley accessible in all seasons of the year will be enjoyable to users of various kinds, such as hikers, horse riders, hunters, anglers, and educational groups, but also to the many who cherish clean water and clean air, fish and wildlife (including endangered species such as wild salmon), and pristine mountain and riverside scenery.

(b) **STATEMENT OF POLICY.**—Congress hereby declares that it is the policy of the United States—

(1) to better serve the diverse wilderness and environmental education needs of the people of the State of Washington and its burgeoning metropolitan regions by granting wilderness protection to certain lower elevation wildlands in the Skykomish River valley of the State of Washington; and

(2) to protect additional lands adjacent to the Henry M. Jackson Wilderness designated by the Washington Wilderness Act of 1984 (Public Law 98-339), in further tribute to the ecologically enlightened vision of the distinguished Senator from the State of Washington and former Chairman of the Senate Committee on Energy and Natural Resources (formerly the Senate Interior and Insular Affairs Committee).

##### SEC. 503. ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) **ADDITIONS.**—The following Federal lands in the State of Washington are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System: Certain lands which comprise approximately 106,000 acres, as generally depicted on a map entitled “Wild Sky Wilderness Proposal”, dated August 2002, which shall be known as the Wild Sky Wilderness.

(b) **MAPS AND LEGAL DESCRIPTIONS.**—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file a map and a legal description for the wilderness area designated under this Act with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. The map and description shall have the same force and effect as if included in this title, except that the Secretary of Agriculture may correct clerical and typographical errors in the legal description and map. The map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

##### SEC. 504. ADMINISTRATIVE PROVISIONS.

(a) **IN GENERAL.**—Subject to valid existing rights, lands designated as wilderness by this title shall be managed by the Secretary of Agriculture in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this title, except that, with respect to any wilderness areas designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this title.

(b) **NEW TRAILS.**—

(1) The Secretary of Agriculture shall consult with interested parties and shall establish a hiking trail plan designed to develop a system of hiking trails within or adjacent to or to provide access to the wilderness designated by this Act in a manner consistent with the Wilderness Act, Public Law 88-577 (16 U.S.C. 1131 et seq.).

(2) Within two years after the date of enactment of this Act, the Secretary of Agriculture shall complete a report on the implementation of the hiking trail plan required under this title. This report shall include the identification of priority hiking trails for development.

(c) **REPEATER SITE.**—Within the Wild Sky Wilderness, the Secretary of Agriculture is authorized to use helicopter access to construct and maintain a single communication repeater site to be used jointly by the Forest Service and Washington State’s Snohomish County government to provide improved communication for safety and health purposes in a manner compatible with the preservation of the wilderness environment.

(d) **FLOAT PLANE ACCESS.**—As provided by Section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the use of floatplanes on Lake Isabel, where such use has already become established, shall be permitted to continue subject to such reasonable restrictions as the Secretary of Agriculture deems desirable.

##### SEC. 505. AUTHORIZATION FOR LAND ACQUISITION.

(a)(1) **IN GENERAL.**—The Secretary of Agriculture is authorized to acquire lands and interests therein, by purchase, donation, or exchange, and shall give priority consideration to those lands identified as “Priority Acquisition Lands” on the map entitled “Wild Sky Wilderness Proposal”, dated August 2002. The boundaries of the Snoqualmie National Forest and the Wild Sky Wilderness shall be adjusted to encompass any land acquired pursuant to this section.

(2) **CORRIDOR.**—Upon the acquisition by the Secretary of Agriculture of the two Priority Acquisition Lands parcels adjacent to the lands identified as the Corridor on the map entitled “Wild Sky Wilderness Proposal”, date August 2002, the boundary of the Wild Sky Wilderness shall be adjusted to encompass the Corridor.

(b) **ACCESS.**—Consistent with section 5(a) of the Wilderness Act (Public Law 88-577; 16 U.S.C. 1134(a)), the Secretary of Agriculture shall assure adequate access to private inholdings within the Wild Sky Wilderness.

(c) **APPRAISAL.**—Valuation of private lands shall be determined without reference to any restrictions on access or use which arise out of designation as a wilderness area as a result of this title.

##### SEC. 506. LAND EXCHANGES.

The Secretary of Agriculture shall exchange lands and interests in lands, as generally depicted on a map entitled Chelan County Public Utility District Exchange and dated May 22, 2002, with the Chelan County Public Utility District in accordance with the following provisions:

(1) If the Chelan County Public Utility District, within ninety days after the date of enactment of this Act, offers to the Secretary of Agriculture approximately 371.8 acres within the Snoqualmie National Forest in the State of Washington, the Secretary shall accept such lands.

(2) Upon acceptance of title by the Secretary of Agriculture to such lands and interests therein, the Secretary of Agriculture shall convey to the Chelan County Public Utility District a permanent easement, including helicopter access, consistent with such levels as used as of date of enactment, to maintain an existing snowtel site on 1.82 acres on the Wenatchee National Forest in the State of Washington.

(3) The exchange directed by this Act shall be consummated if Chelan County Public Utility District conveys title acceptable to the Secretary and provided there is no hazardous material on the site, which is objectionable to the Secretary.



(4) In the event Chelan County Public Utility District determines there is no longer a need to maintain a snowtel site to monitor the snow pack for calculating expected runoff into the Lake Chelan hydroelectric project and the hydroelectric projects in the Columbia River Basin, the secretary shall be notified in writing and the easement shall be extinguished and all rights conveyed by this exchange shall revert to the United States.

#### TITLE VI—CONVEYANCE TO THE CITY OF CRAIG, ALASKA

##### SECTION 601. SHORT TITLE.

This title may be cited as the “Craig Recreation Land Purchase Act”.

##### SEC. 602. AUTHORIZATION FOR CONVEYANCE.

If the City of Craig, Alaska, (“City”) tenders all right, title and interest of the City in and to the municipal lands identified on the map entitled “Sunnahae Property and Trail,” dated April 22, 1992 and labeled Attachment A, to the Secretary of Agriculture (“Secretary”) within six months of the date the City receives the results of the appraisal conducted pursuant to section 4, the Secretary shall accept such tender.

##### SEC. 603. ACQUISITION OF LAND BY THE CITY OF CRAIG.

(a) Funds received by the City under section 2 shall be used by the City for the purchase of lands shown on the map entitled “Wards Cove Property,” dated March 24, 1969 and labeled attachment B.

(b) The purchase of lands by the City under subsection (a) shall be for an amount equal to the appraised value of the lands conveyed to the Secretary by the City, except that the Secretary and the City may equalize the values by adjusting acreage or by payments not to exceed \$100,000.

##### SEC. 604. APPRAISAL.

Prior to any conveyance, the Secretary shall conduct an appraisal of the lands identified for conveyance by the City in accordance with the United States Department of Justice Uniform Standards of Appraisal and shall notify the City of the results of the appraisal.

##### SEC. 605. MANAGEMENT OF CONVEYED LANDS.

Lands received by the Secretary shall be included in the Tongass National Forest and shall be managed in accordance with the laws, regulations, and forest plan applicable to the Tongass National Forest.

##### SEC. 606. AUTHORIZATION.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

**SA 4978.** Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill S. 2556, to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

#### TITLE I—FREMONT-MADISON CONVEYANCE

##### SECTION 101. SHORT TITLE.

This title may be cited as the “Fremont-Madison Conveyance Act”.

##### SEC. 102. DEFINITIONS.

In this title:

(1) **DISTRICT.**—The term “District” means the Fremont-Madison Irrigation District, an irrigation district organized under the law of the State of Idaho.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

##### SEC. 103. CONVEYANCE OF FACILITIES.

(a) **CONVEYANCE REQUIREMENT.**—The Secretary of the Interior shall convey to the

Fremont-Madison Irrigation District, Idaho, pursuant to the terms of the memorandum of agreement (MOA) between the District and the Secretary (Contract No. 1425-0901-09MA-0910-093310), all right, title, and interest of the United States in and to the canals, laterals, drains, and other components of the water distribution and drainage system that is operated or maintained by the District for delivery of water to and drainage of water from lands within the boundaries of the District as they exist upon the date of enactment of this Act, consistent with section 108.

(b) **REPORT.**—If the Secretary has not completed any conveyance required under this title by September 13, 2003, the Secretary shall, by no later than that date, submit a report to the Congress explaining the reasons that conveyance has not been completed and stating the date by which the conveyance will be completed.

##### SEC. 104. COSTS.

(a) **IN GENERAL.**—The Secretary shall require, as a condition of the conveyance under section 103, that the District pay the administrative costs of the conveyance and related activities, including the costs of any review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), as described in Contract No. 1425-0901-09MA-0910-093310.

(b) **VALUE OF FACILITIES TO BE TRANSFERRED.**—In addition to subsection (a) the Secretary shall also require, as condition of the conveyance under section 103, that the District pay to the United States the lesser of the net present value of the remaining obligations owed by the District to the United States with respect to the facilities conveyed, or \$280,000. Amounts received by the United States under this subsection shall be deposited into the Reclamation Fund.

##### SEC. 105. TETON EXCHANGE WELLS.

(a) **CONTRACTS AND PERMIT.**—In conveying the Teton Exchange Wells pursuant to section 103, the Secretary shall also convey to the District—

(1) Idaho Department of Water Resources permit number 22-097022, including drilled wells under the permit, as described in Contract No. 1425-0901-09MA-0910-093310; and

(2) all equipment appurtenant to such wells.

(b) **EXTENSION OF WATER SERVICE CONTRACT.**—The water service contract between the Secretary and the District (Contract No. 7-0907-0910-09W0179, dated September 16, 1977) is hereby extended and shall continue in full force and effect until all conditions described in this title are fulfilled.

##### SEC. 106. ENVIRONMENTAL REVIEW.

Prior to conveyance the Secretary shall complete all environmental reviews and analyses as set forth in the Memorandum of Agreement referenced in section 103(a).

##### SEC. 107. LIABILITY.

Effective on the date of the conveyance the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed facilities, except for damages caused by acts of negligence committed by the United States or by its employees, agents, or contractors prior to the date of conveyance. Nothing in this section may increase the liability of the United States beyond that currently provided in chapter 171 of title 28, United States Code.

##### SEC. 108. WATER SUPPLY TO DISTRICT LANDS.

The acreage within the District eligible to receive water from the Minidoka Project and the Teton Basin Projects is increased to reflect the number of acres within the District as of the date of enactment of this title, including lands annexed into the District prior to enactment of this title as contemplated

by the Teton Basin Project. The increase in acreage does not alter deliveries authorized under the District's existing water storage contracts and as allowed by State water law.

##### SEC. 109. DROUGHT MANAGEMENT PLANNING.

Within 60 days of enactment of this title, in collaboration with stakeholders in the Henry's Fork watershed, the Secretary shall initiate a drought management planning process to address all water uses, including irrigation and the wild trout fishery, in the Henry's Fork watershed. Within 18 months of enactment of this title, the Secretary shall submit a report to Congress, which shall include a final drought management plan.

##### SEC. 110. EFFECT.

(a) **IN GENERAL.**—Except as provided in this title, nothing in this title affects—

(1) the rights of any person; or

(2) any right in existence on the date of enactment of this Act of the Shoshone-Bannock Tribes of the Fort Hall Reservation to water based on a treaty, compact, executive order, agreement, the decision in *Winters v. United States*, 207 U.S. 564 (1908) (commonly known as the “Winters Doctrine”), or law.

(b) **CONVEYANCES.**—Any conveyance under this title shall not affect or abrogate any provision of any contract executed by the United States or State law regarding any irrigation district's right to use water developed in the facilities conveyed.

#### TITLE II—DENVER WATER REUSE PROJECT

##### SEC. 201. DENVER WATER REUSE PROJECT.

(a) **AUTHORIZATION.**—The Secretary of the Interior, in cooperation with the appropriate State and local authorities, may participate in the design, planning, and construction of the Denver Water Reuse Project (hereinafter referred to as the “Project”) to reclaim and reuse water in the service area of the Denver Water Department of the city and county of Denver, Colorado.

(b) **COST SHARE.**—The Federal share of the cost of the Project shall not exceed 25 percent of the total cost.

(c) **LIMITATION.**—Funds provided by the Secretary shall not be used for the operation or maintenance of the Project.

(d) **FUNDING.**—Funds appropriated pursuant to section 1631 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-13) may be used for the Project.

##### SEC. 202. RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT.

Design, planning, and construction of the Project authorized by this title shall be in accordance with, and subject to the limitations contained in, the Reclamation Wastewater and Groundwater Study and Facilities Act (106 Stat. 4663-4669; 43 U.S.C. 390h et seq.), as amended.

#### TITLE III—WALLOWA LAKE DAM REHABILITATION

##### SEC. 301. SHORT TITLE.

This title may be cited as the “Wallowa Lake Dam Rehabilitation and Water Management Act of 2002”.

##### SEC. 302. DEFINITIONS.

In this title:

(1) **ASSOCIATED DITCH COMPANIES, INCORPORATED.**—The term “Associated Ditch Companies, Incorporated” means the non-profit corporation by that name (as established under the laws of the State of Oregon) that operates Wallowa Lake Dam.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(3) **WALLOWA LAKE DAM REHABILITATION PROGRAM.**—The term “Wallowa Lake Dam Rehabilitation Program” means the program for the rehabilitation of the Wallowa Lake Dam in Oregon, as contained in the engineering document entitled, “Phase I Dam Assessment and Preliminary Engineering Design”, dated October 2001, and on file with the Bureau of Reclamation.

(4) **WALLOWA VALLEY WATER MANAGEMENT PLAN.**—The term “Wallowa Valley Water Management Plan” means the program developed for the Wallowa River watershed, as contained in the document entitled “Wallowa Lake Dam Rehabilitation and Water Management Plan Vision Statement”, dated February 2001, and on file with the Bureau of Reclamation.

#### SEC. 303. AUTHORIZATION TO PARTICIPATE IN PROGRAM.

(a) **AUTHORIZATION.**—The Secretary—

(1) in cooperation with the Associated Ditch Companies, Incorporated, may participate in the Wallowa Lake Dam Rehabilitation Program; and

(2) in cooperation with tribal, State and local governmental entities, may participate in planning, design and construction of facilities needed to implement the Wallowa Valley Water Management Plan.

(b) **COST SHARING.**—

(1) **IN GENERAL.**—The Federal share of the costs of activities authorized under this title shall not exceed 80 percent.

(2) **EXCLUSIONS FROM FEDERAL SHARE.**—There shall not be credited against the Federal share of such costs—

(A) any expenditure by the Bonneville Power Administration in the Wallowa River watershed; and

(B) expenditures made by individual farmers in any Federal farm or conservation program.

(c) **COMPLIANCE WITH STATE LAW.**—The Secretary, in carrying out this title, shall comply with otherwise applicable State water law.

(d) **PROHIBITION ON HOLDING TITLE.**—The Federal Government shall not hold title to any facility rehabilitated or constructed under this title.

(e) **PROHIBITION ON OPERATION AND MAINTENANCE.**—The Federal Government shall not be responsible for the operation and maintenance of any facility constructed or rehabilitated under this title.

(f) **OWNERSHIP AND OPERATION OF FISH PASSAGE FACILITY.**—Any facility constructed using Federal funds authorized by this title located at Wallowa Lake Dam for trapping and transportation of migratory adult salmon shall be owned and operated by the Nez Perce Tribe.

#### SEC. 304. RELATIONSHIP TO OTHER LAW.

Activities funded under this title shall not be considered a supplemental or additional benefit under the Act of June 17, 1902 (32 Stat. 388), and all Acts amendatory thereof or supplementary thereto.

#### SEC. 305. APPROPRIATIONS.

There is authorized to be appropriated to the Secretary \$32,000,000 for the Federal share of the costs of activities authorized under this title.

#### TITLE IV—ALBUQUERQUE BIOLOGICAL PARK TITLE CLARIFICATION

##### SEC. 401. SHORT TITLE.

This title may be cited as the “Albuquerque Biological Park Title Clarification Act”.

##### SEC. 402. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—The Congress finds that:

(1) In 1997, the City of Albuquerque, New Mexico paid \$ 3,875,000 to the Middle Rio Grande Conservancy District to acquire two parcels of land known as Tingley Beach and San Gabriel Park.

(2) The City intends to develop and improve Tingley Beach and San Gabriel Park as part of its Albuquerque Biological Park Project.

(3) In 2000, the United States claimed title to Tingley Beach and San Gabriel Park by asserting that these properties were transferred to the United States in the 1950's as part of the establishment of the Middle Rio Grande Project.

(4) The City's ability to continue developing the Albuquerque Biological Park Project has been hindered by the United States' claim of title to these properties.

(5) The United States' claim of ownership over the Middle Rio Grande Project properties is disputed by the City and MRGCD in *Rio Grande Silvery Minnow v. John W. Keys, III*, No. CV 99-1320 JP/RLP-ACE (D. N.M. filed Nov. 15, 1999).

(6) Tingley Beach and San Gabriel Park are surplus to the needs of the Bureau of Reclamation and the United States in administering the Middle Rio Grande Project.

(b) **PURPOSE.**—The purpose of this title is to direct the Secretary of the Interior to issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach or San Gabriel Park to the City, thereby removing the cloud on the City's title to these lands.

##### SEC. 403. DEFINITIONS.

In this title:

(1) **CITY.**—The term “City” means the City of Albuquerque, New Mexico.

(2) **MIDDLE RIO GRANDE CONSERVANCY DISTRICT.**—The terms “Middle Rio Grande Conservancy District” and “MRGCD” mean a political subdivision of the State of New Mexico, created in 1925 to provide and maintain flood protection and drainage, and maintenance of ditches, canals, and distribution systems for irrigation and water delivery and operations in the Middle Rio Grande Valley.

(3) **MIDDLE RIO GRANDE PROJECT.**—The term “Middle Rio Grande Project” means the works associated with water deliveries and operations in the Rio Grande basin as authorized by the Flood Control Act of 1948 (Public Law 80-858; 62 Stat. 1175) and the Flood Control Act of 1950 (Public Law 81-516; 64 Stat. 170).

(4) **SAN GABRIEL PARK.**—The term “San Gabriel Park” means the tract of land containing 40.2236 acres, more or less, situated within Section 12 and Section 13, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(5) **TINGLEY BEACH.**—The term “Tingley Beach” means the tract of land containing 25.2005 acres, more or less, situated within Section 13 and Section 24, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

##### SEC. 404. CLARIFICATION OF PROPERTY INTEREST.

(a) **REQUIRED ACTION.**—The Secretary of the Interior shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach and San Gabriel Park to the City.

(b) **TIMING.**—The Secretary shall carry out the action in subsection (a) as soon as practicable after the date of enactment of this title and in accordance with all applicable law.

(c) **NO ADDITIONAL PAYMENT.**—The City shall not be required to pay any additional

costs to the United States for the value of San Gabriel Park and Tingley Beach.

##### SEC. 405. OTHER RIGHTS, TITLE, AND INTERESTS UNAFFECTED.

(a) **IN GENERAL.**—Except as expressly provided in section 404, nothing in this title shall be construed to affect any right, title, or interest in and to any land associated with the Middle Rio Grande Project.

(b) **ONGOING LITIGATION.**—Nothing contained in this title shall be construed or utilized to affect or otherwise interfere with any position set forth by any party in the lawsuit pending before the United States District Court for the District of New Mexico, No. CV 99-1320 JP/RLP-ACE, entitled *Rio Grande Silvery Minnow v. John W. Keys, III*, concerning the right, title, or interest in and to any property associated with the Middle Rio Grande Project.

#### TITLE V—HIGH PLAINS AQUIFER HYDROGEOLOGIC MAPPING

##### SEC. 501. SHORT TITLE.

This title may be cited as the “High Plains Aquifer Hydrogeologic Characterization, Mapping, Modeling and Monitoring Act”.

##### SEC. 502. DEFINITIONS.

For the purposes of this title:

(1) **ASSOCIATION.**—The term “Association” means the Association of American State Geologists.

(2) **COUNCIL.**—The term “Council” means the Western States Water Council.

(3) **DIRECTOR.**—The term “Director” means the Director of the United States Geological Survey.

(4) **FEDERAL COMPONENT.**—The term “Federal component” means the Federal component of the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program described in section 503(c).

(5) **HIGH PLAINS AQUIFER.**—The term “High Plains Aquifer” is the groundwater reserve depicted as Figure 1 in the United States Geological Survey Professional Paper 1400-B, titled “Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming.”

(6) **HIGH PLAINS AQUIFER STATES.**—The term “High Plains Aquifer States” means the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas and Wyoming.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(8) **STATE COMPONENT.**—The term “State component” means the State component of the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program described in section 503(d).

##### SEC. 503. ESTABLISHMENT.

(a) **PROGRAM.**—The Secretary, working through the United States Geological Survey, and in cooperation with participating State geological surveys and water management agencies of the High Plains Aquifer States, shall establish and carry out the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program, for the purposes of the characterization, mapping, modeling, and monitoring of the High Plains Aquifer. The Program shall undertake on a county-by-county level or at the largest scales and most detailed levels determined to be appropriate on a state-by-state and regional basis: (1) mapping of the hydrogeological configuration of the High Plains Aquifer; and (2) with respect to the High Plains Aquifer, analyses of the current and past rates at which groundwater is being withdrawn and recharged, the net rate of decrease or increase in High Plains Aquifer

storage, the factors controlling the rate of horizontal and vertical migration of water within the High Plains Aquifer, and the current and past rate of change of saturated thickness within the High Plains Aquifer. The Program shall also develop, as recommended by the State panels referred to in subsection (d)(1), regional data bases and groundwater flow models.

(b) **FUNDING.**—The Secretary shall make available fifty percent of the funds available pursuant to this title for use in carrying out the State component of the Program, as provided for by subsection (d).

(c) **FEDERAL PROGRAM COMPONENT.**—

(1) **PRIORITIES.** The Program shall include a Federal component, developed in consultation with the Federal Review Panel provided for by subsection (e), which shall have as its priorities—

(A) coordinating Federal, State, and local, data, maps, and models into an integrated physical characterization of the High Plains Aquifer;

(B) supporting State and local activities with scientific and technical specialists; and

(C) undertaking activities and providing technical capabilities not available at the State and local levels.

(2) **INTERDISCIPLINARY STUDIES.**—The Federal component shall include interdisciplinary studies that add value to hydrogeologic characterization, mapping, modeling and monitoring for the High Plains Aquifer.

(d) **STATE PROGRAM COMPONENT.**—

(1) **PRIORITIES.**—Upon election by a High Plains Aquifer State, the State may participate in the State component of the Program which shall have as its priorities hydrogeologic characterization, mapping, modeling, and monitoring activities in areas of the High Plains Aquifer that will assist in addressing issues relating to groundwater depletion and resource assessment of the Aquifer. As a condition of participating in the State component of the Program, the Governor or Governor's designee shall appoint a State panel representing a broad range of users of, and persons knowledgeable regarding, hydrogeologic data and information, which shall be appointed by the Governor of the State or the Governor's designee. Priorities under the State component shall be based upon the recommendations of the State panel.

(2) **AWARDS.**—(A) Twenty percent of the Federal funds available under the State component shall be equally divided among the State geological surveys of the High Plains Aquifer States to carry out the purposes of the Program provided for by this title. In the event that the State geological survey is unable to utilize the funding for such purposes, the Secretary may, upon the petition of the Governor of the State, direct the funding to some other agency of the State to carry out the purposes of the Program.

(B) In the case of a High Plains Aquifer State that has elected to participate in the State component of the Program, the remaining funds under the State component shall be competitively awarded to State or local agencies or entities in the High Plains Aquifer States, including State geological surveys, State water management agencies, institutions of higher education, or consortia of such agencies or entities. A State may submit a proposal for the United States Geological Survey to undertake activities and provide technical capabilities not available at the State and local levels. Such funds shall be awarded by the Director only for proposals that have been recommended by the State panels referred to in subsection (d)(1), subjected to independent peer review, and given final prioritization and recommendation by the Federal Review Panel established under subsection (e). Proposals

for multi-state activities must be recommended by the State panel of at least one of the affected States.

(e) **FEDERAL REVIEW PANEL.**—

(1) **ESTABLISHMENT.**—There shall be established a Federal Review Panel to evaluate the proposals submitted for funding under the State component under subsection (d)(2)(B) and to recommend approvals and levels of funding. In addition, the Federal Review Panel shall review and coordinate the Federal component priorities under subsection (c)(1), Federal interdisciplinary studies under subsection (c)(2), and the State component priorities under subsection (d)(1).

(2) **COMPOSITION AND SUPPORT.**—Not later than three months after the date of enactment of this title, the Secretary shall appoint to the Federal Review Panel: (1) three representatives of the United States Geological Survey, at least one of which shall be a hydrologist or hydrogeologist; and (2) four representatives of the geological surveys and water management agencies of the High Plains Aquifer States from lists of nominees provided by the Association and the Council, so that there are two representatives of the State geological surveys and two representatives of the State water management agencies. Appointment to the Panel shall be for a term of three years. The Director shall provide technical and administrative support to the Federal Review Panel. Expenses for the Federal Review Panel shall be paid from funds available under the Federal component of the Program.

(f) **LIMITATION.**—The United States Geological Survey shall not use any of the Federal funds to be made available under the State component for any fiscal year to pay indirect, servicing, or Program management charges. Recipients of awards granted under subsection (d)(2)(B) shall not use more than eighteen percent of the Federal award amount for any fiscal year for indirect, servicing, or Program management charges. The Federal share of the costs of an activity funded under subsection (d)(2)(B) shall be no more than fifty percent of the total cost of that activity. The Secretary may apply the value of in-kind contributions of property and services to the non-Federal share of the costs of the activity.

**SEC. 504. PLAN.**

The Secretary, acting through the Director, shall, in consultation with the Association, the Council, the Federal Review Panel, and the State panels, prepare a plan for the High Plains Aquifer Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program. The plan shall address overall priorities for the Program and a management structure and Program operations, including the role and responsibilities of the United States Geological Survey and the States in the Program, and mechanisms for identifying priorities for the Federal component and the State component.

**SEC. 505. REPORTING REQUIREMENTS.**

(a) **REPORT ON PROGRAM IMPLEMENTATION.**—One year after the date of enactment of this title, and every two years thereafter through fiscal year 2011, the Secretary shall submit a report on the status of implementation of the Program established by this Act to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Governors of the High Plains Aquifer States. The initial report submitted by the Secretary shall contain the plan required by section 504.

(b) **REPORT ON HIGH PLAINS AQUIFER.**—One year after the date of enactment of this title and every year thereafter through fiscal year 2011, the Secretary shall submit a report to the Committee on Energy and Natural Re-

sources of the Senate, the Committee on Resources of the House of Representatives, and the Governors of the High Plains Aquifer States on the status of the High Plains Aquifer, including aquifer recharge rates, extraction rates, saturated thickness, and water table levels.

(c) **ROLE OF FEDERAL REVIEW PANEL.**—The Federal Review Panel shall be given an opportunity to review and comment on the reports required by this section.

**SEC. 506. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2011 to carry out this title.

## TITLE VI—CALFED BAY-DELTA PROGRAM AUTHORIZATION

**SEC. 601. CALFED BAY-DELTA PROGRAM.**

(a) The Secretary of the Interior and the heads of the other Federal agencies may participate in the Calfed Bay-Delta Authority established by the California Bay-Delta Authority Act (2002 Cal. Stat. Chap. 812) to the extent not inconsistent with other law.

(b) During each of the fiscal years 2003 through 2005, the Secretary of the Interior and the heads of other Federal agencies identified in the Record of Decision of August 28, 2000, are also authorized to carry out aspects of the Calfed Bay-Delta Program for which federal funds are appropriated.

## TITLE VII—T'UF SHUR BIEN PRESERVATION TRUST AREA ACT

**SEC. 701. SHORT TITLE.**

This Act may be cited as the "T'uf Shur Bien Preservation Trust Area Act".

**SEC. 702. FINDING AND STATEMENT OF PURPOSE.**

(a) **FINDING.**—The Congress finds that in 1748, the Pueblo of Sandia received a grant from a representative of the King of Spain, which grant was recognized and confirmed by Congress in 1858 (11 Stat. 374). In 1994, the Pueblo filed a lawsuit against the Secretary of the Interior and the Secretary of Agriculture in the U.S. District Court for the District of Columbia, Civil No. 1:94CV02624, asserting that federal surveys of the grant boundaries erroneously excluded certain lands within the Cibola National Forest, including a portion of the Sandia Mountain Wilderness;

(b) **PURPOSES.**—The purposes of this Act are to—

(1) establish the T'uf Shur Bien Preservation Trust Area in the Cibola National Forest;

(2) confirm the status of National Forest and Wilderness lands in the Area while resolving issues associated with the Pueblo's lawsuit and the opinions of the Solicitor of the Department of the Interior dated December 9, 1988 (M-36963; 96 I.D. 331) and January 19, 2001 (M-37002); and

(3) provide the Pueblo, parties involved in the litigation, and the public with a fair and just settlement of the Pueblo's claim.

**SEC. 703. DEFINITIONS.**

For purposes of this Act:

(a) **AREA.**—The term "Area" means the T'uf Shur Bien Preservation Trust Area as depicted on the map, and excludes the subdivisions, Pueblo-owned lands, the crest facilities, and the special use permit lands as set forth in this Act.

(b) **CREST FACILITIES.**—The term "crest facilities" means all facilities and developments located on the crest of Sandia Mountain, including the Sandia Crest Electronic Site; electronic site access roads; the Crest House; the upper terminal, restaurant, and related facilities of Sandia Peak Tram Company; the Crest Observation Area; parking lots; restrooms; the Crest Trail (Trail No. 130); hang glider launch sites; and the Kiwanis cabin; as well as the lands upon

which such facilities are located and the lands extending 100 feet along terrain to the west of each such facility, unless a different distance is agreed to in writing between the Forest Service and the Pueblo and documented in the survey of the Area.

(c) **EXISTING USES AND ACTIVITIES.**—The term “existing uses and activities” means uses and activities occurring in the Area on the date of enactment of this Act, or which have been authorized in the Area after November 1, 1995 but before the date of enactment of this Act.

(d) **FOREST SERVICE.**—The term “Forest Service” means the U.S. Forest Service.

(e) **LA LUZ TRACT.**—The term “La Luz tract” means that tract comprised of approximately 31 acres of land owned in fee by the Pueblo and depicted on the map.

(f) **LOCAL PUBLIC BODIES.**—The term “local public bodies” means political subdivisions of the State of New Mexico as defined in New Mexico Code §6-5-1.

(g) **MAP.**—The term “map” means the Forest Service map entitled “T’uf Shur Bien Preservation Trust Area,” dated April 2000.

(h) **MODIFIED USES OR ACTIVITIES.**—The term “modified uses or activities” means existing uses which are being modified or reconfigured, but which are not being significantly expanded, including a trail or trailhead being modified, such as to accommodate handicapped access, a parking area being reconfigured though not expanded, or a special use authorization for a group recreation activity being authorized for a different use area or time period.

(i) **NEW USES OR ACTIVITIES.**—The term “new uses or activities” means uses or activities not occurring in the Area on the date of enactment of this Act, as well as existing uses or activities that are being modified such that they significantly expand or alter their previous scope, dimensions, or impacts on the land, water, air and/or wildlife resources of the Area. New uses and activities do not apply to new uses or activities that are categorically excluded from documentation requirements pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), or to activities undertaken to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(j) **PIEDRA LISA TRACT.**—The term “Piedra Lisa tract” means that tract comprised of approximately 160 acres of land held in private ownership and depicted on the map.

(k) **PUEBLO.**—The term “Pueblo” means the Pueblo of Sandia in its governmental capacity.

(l) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture, except where otherwise expressly indicated.

(m) **SETTLEMENT AGREEMENT.**—The term “Settlement Agreement” means the Agreement of Compromise and Settlement dated April 4, 2000, between the United States, the Pueblo, and the Sandia Peak Tram Company.

(n) **SPECIAL USE PERMIT.**—The term “special use permit” means the December 1, 1993, Special Use Permit issued by the Forest Service to Sandia Peak Tram Company and Sandia Peak Ski Company, encompassing approximately 46 acres of the corridor presently dedicated to aerial tramway use, and approximately 945 acres of the ski area, as well as the lands described generally in Exhibit A to the December 31, 1993, Special Use Permit, including the maintenance road to the lower tram tower, water storage and distribution facilities, seven helispots, and the other lands described therein.

(o) **SUBDIVISIONS.**—The term “subdivisions” means the subdivisions of Sandia Heights Addition, Sandia Heights North Units I, II, and 3, Tierra Monte, Valley View Acres, and Evergreen Hills, as well as any additional

plats and privately owned properties depicted on the map.

(p) **TRADITIONAL AND CULTURAL USES.**—The terms “traditional and cultural uses” and “traditional and cultural purposes” mean ceremonial activities, including the placing of ceremonial materials in the Area, and the use, hunting, trapping or gathering of plants, animals, wood, water, and other natural resources, but only for non-commercial purposes.

#### **SEC. 704. T’UF SHUR BIEN PRESERVATION TRUST AREA.**

(a) **ESTABLISHMENT.**—The T’uf Shur Bien Preservation Trust Area is established within the Cibola National Forest and the Sandia Mountain Wilderness as depicted on the map:

(1) to recognize and protect in perpetuity the Pueblo’s rights and interests in and to the Area, as specified in section 705(a) of this Act;

(2) to preserve in perpetuity the Wilderness and National Forest character of the Area; and

(3) to recognize and protect in perpetuity the public’s longstanding use and enjoyment of the Area.

(b) **ADMINISTRATION AND APPLICABLE LAW.**—The Secretary, acting through the Forest Service, shall continue to administer the Area as part of the National Forest System and incorporate the provisions of this Act affecting management of the Area, including section 705(a)(3) and section 707.

(c) **EXCEPTIONS.**—

(1) Traditional and cultural uses by Pueblo members and members of other federally recognized Indian tribes authorized to use the Area by the Pueblo under section 705(a)(4) of this Act shall not be restricted except by the Wilderness Act and its regulations as they exist on the date of enactment of this Act and by applicable federal wildlife protection laws as provided in section 706(a)(2) of this Act.

(2) To the extent that laws enacted or amended after the date of this Act are inconsistent with this Act, they shall not apply to the Area unless expressly made applicable by Congress.

(3) The use of the word “Trust” in the name of the Area is in recognition of the Pueblo’s specific rights and interests in the Area, and does not confer upon the Pueblo the ownership interest that exists when the Secretary of the Interior accepts the title to land in trust for the benefit of an Indian tribe.

(d) **AREA DEFINED.**—

(1) The Area shall be comprised of approximately 9890 acres of land within the Cibola National Forest as depicted on the map.

(2) As soon as practicable after enactment of this Act, the Secretary shall file the map and a legal description of the Area with the Committee on Resources of the House of Representatives and with the Committee on Energy and Natural Resources of the Senate. The map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture, Washington, District of Columbia.

(3) Such map and legal description shall have the same force and effect as if included in this Act, except that

(A) clerical and typographical errors shall be corrected;

(B) changes that may be necessary pursuant to sections 709(b), 709(d), 709(e), 714(c), and 714(d) shall be made; and

(C) to the extent the map and the language of this Act conflict, the language of the Act controls.

(e) **NO CONVEYANCE OF TITLE.**—The United States’ right, title and interest in or to the Area or any part thereof shall not be conveyed to or exchanged with any person,

trust, or governmental entity, including the Pueblo, without specific authorization of Congress.

(f) **PROHIBITED USES.**—Notwithstanding any other provision of law, no use prohibited by the Wilderness Act as of the date of enactment of this Act may occur in the Wilderness portion of the Area; nor may any of the following uses occur in any portion of the Area: gaming or gambling of any kind, mineral production, timber production, and new uses or activities to which the Pueblo objects pursuant to section 705(a)(3) of this Act. The Area is closed to the location of mining claims under the Mining Law of 1872 (30 U.S.C. §22).

(g) **NO MODIFICATION OF BOUNDARIES.**—Creation of the T’uf Shur Bien Preservation Trust Area shall not affect the boundaries of, nor repeal or disestablish the Sandia Mountain Wilderness or the Cibola National Forest. Establishment of the Area does not in any way modify the existing boundary of the Pueblo grant.

#### **SEC. 705. PUEBLO OF SANDIA RIGHTS AND INTERESTS IN THE AREA.**

(a) **GENERAL.**—The Pueblo shall have the following rights and interests in the Area:

(1) free and unrestricted access to the Area for traditional and cultural uses to the extent not inconsistent with the Wilderness Act and its regulations as they exist on the date of enactment of this Act and with applicable federal wildlife protection laws as provided in section 706(a)(2);

(2) perpetual preservation of the Wilderness and National Forest character of the Area under this Act;

(3) rights in the management of the Area as set forth in section 707, which include:

(A) the right to consent or withhold consent to new uses;

(B) the right to consultation regarding modified uses;

(C) the right to consultation regarding the management and preservation of the Area; and

(D) the right to dispute resolution procedures;

(4) exclusive authority, in accordance with its customs and laws, to administer access to the Area for traditional and cultural uses by members of the Pueblo and of other federally recognized Indian tribes; and

(5) such other rights and interests as are enumerated and recognized in sections 704, 705(c), 707, 708, and 709.

(b) **LIMITATION.**—Except as provided in subsection (a)(4), access to and use of the Area for all other purposes shall continue to be administered by the Secretary through the Forest Service.

(c) **COMPENSABLE INTEREST.**—

(1) If, by an Act of Congress enacted subsequent to the effective date of this Act, Congress diminishes the Wilderness and National Forest designation of the Area by authorizing a use prohibited by section 704(f) in all or any portion of the Area, or denies the Pueblo access for any traditional and cultural uses in all or any portion of the Area, the United States shall compensate the Pueblo as if the Pueblo had held a fee title interest in the affected portion of the Area and as though the United States had acquired such interest by legislative exercise of its power of eminent domain, and the restrictions of sections 704(f) and 706(a) shall be disregarded in determining just compensation owed to the Pueblo.

(2) Any compensation made to the Pueblo pursuant to subsection (c)(1) does not in any way affect the extinguishment of claims set forth in section 710.

#### **SEC. 706. LIMITATIONS ON PUEBLO OF SANDIA RIGHTS AND INTERESTS IN THE AREA.**

(a) **LIMITATIONS.**—The Pueblo’s rights and interests recognized in this Act do not include:

(1) any right to sell, grant, lease, convey, encumber or exchange lands in the Area, or any right or interest therein, and any such conveyance shall not have validity in law or equity;

(2) any exemption from applicable federal wildlife protection laws;

(3) any right to engage in any activity or use prohibited in section 704(f); or

(4) any right to exclude persons or governmental entities from the Area.

(b) **EXCEPTION.**—No person who exercises traditional and cultural use rights as authorized in section 705(a)(4) of this Act may be prosecuted for a federal wildlife offense requiring proof of a violation of a state law or regulation.

#### **SEC. 707. MANAGEMENT OF THE AREA.**

(a) **PROCESS.**—

(1) **GENERAL.**—

(A) The Forest Service shall consult with the Pueblo of Sandia not less than twice a year, unless otherwise mutually agreed, concerning protection, preservation, and management of the Area, including proposed new and modified uses and activities in the Area and authorizations that are anticipated during the next six months and approved in the preceding six months.

(2) **NEW USES AND ACTIVITIES.**—

(A) If after consultation the Pueblo of Sandia denies its consent for a new use or activity within 30 days of the consultation, the Forest Service will not be authorized to proceed with the activity or use. If the Pueblo consents to the new use or activity in writing or fails to respond within 30 days, the Forest Service may proceed with the notice and comment process and the environmental analysis.

(B) Before the Forest Service signs a Record of Decision (ROD) or Decision Notice (DN) for a proposed use or activity, the Forest Service will again request Pueblo consent within 30 days of the Pueblo's receipt of the proposed ROD or DN. If the Pueblo refuses to consent, the activity or use will not be authorized. If the Pueblo fails to respond to the consent request within 30 days after the proposed ROD or DN is provided to the Pueblo, the Pueblo will be deemed to have consented to the proposed ROD or DN and the Forest Service may proceed to issue the final ROD or DN.

(3) **PUBLIC INVOLVEMENT.**—

(A) For proposed new and modified uses and activities, the public shall be provided notice of—

(i) the purpose and need for the proposed action or activity,

(ii) the Pueblo's role in the decision-making process, and

(iii) the Pueblo's position on the proposal. Any person may file an action in the United States District Court for the District of New Mexico to challenge Forest Service determinations of what constitutes a new or a modified use or activity.

(b) **EMERGENCIES AND EMERGENCY CLOSURE ORDERS.**—The Forest Service shall retain its existing authorities to manage emergency situations, to provide for public safety, and to issue emergency closure orders in the Area subject to applicable law. The Forest Service shall notify the Pueblo of Sandia regarding emergencies, public safety issues, and emergency closure orders as soon as possible. Such actions are not subject to the Pueblo's right to withhold consent to new uses in the Area as set forth in section 705(a)(3)(i).

(c) **DISPUTES INVOLVING FOREST SERVICE MANAGEMENT AND PUEBLO TRADITIONAL USES.**—

(1) **GENERAL.**—In the event that Forest Service management of the Area and Pueblo traditional and cultural uses conflict, and

the conflict does not pertain to new or modified uses subject to the process set forth in subsection (a), the process for dispute resolution set forth in this subsection shall take effect.

(2) **DISPUTE RESOLUTION PROCESS.**—(A) When there is a dispute between the Pueblo and the Forest Service regarding Pueblo traditional and cultural use and Forest Service management of the Area, the party identifying the dispute shall notify the other party in writing addressed to the Governor of the Pueblo or the Regional Forester respectively, setting forth the nature of the dispute. The Regional Forester or designee and the Governor of the Pueblo or designee shall attempt to resolve the dispute for no less than 30 days after notice has been provided before filing an action in United States District Court for the District of New Mexico.

(B) **DISPUTES REQUIRING IMMEDIATE RESOLUTION.**—In the event of a conflict that requires immediate resolution to avoid imminent, substantial and irreparable harm, the party alleging such conflict shall notify the other party and seek to resolve the dispute within 3 days of the date of notification. If the parties are unable to resolve the dispute within 3 days, either party may file an action for immediate relief in the United States District Court for the District of New Mexico, and the procedural exhaustion requirements set forth above shall not apply.

#### **SEC. 708. JURISDICTION OVER THE AREA.**

(a) **CRIMINAL JURISDICTION.**—Notwithstanding any other provision of law, jurisdiction over crimes committed in the Area shall be allocated as follows:

(1) To the extent that the allocations of criminal jurisdiction over the Area under paragraphs (2), (3), and (4) of this subsection are overlapping, they should be construed to allow for the exercise of concurrent criminal jurisdiction.

(2) The Pueblo shall have jurisdiction over crimes committed by its members or by members of another federally recognized Indian tribe who are present in the Area with the Pueblo's permission pursuant to section 705(a)(4).

(3) The United States shall have jurisdiction over—

(A) the offenses listed in section 1153 of title 18, U.S. Code, including any offenses added to the list in that statute by future amendments thereto, when such offenses are committed by members of the Pueblo and other federally recognized Indian tribes;

(B) crimes committed by any person in violation of laws and regulations pertaining to the protection and management of National Forests;

(C) enforcement of federal criminal laws of general applicability; and

(D) any other offense committed by a member of the Pueblo against a non-member of the Pueblo. Any offense which is not defined and punished by federal law in force within the exclusive jurisdiction of the United States shall be defined and punished in accordance with the laws of the State of New Mexico.

(4) The State of New Mexico shall have jurisdiction over any crime under its laws committed by a person not a member of the Pueblo.

(b) **CIVIL JURISDICTION.**—

(1) Except as provided in paragraphs (2), (3), (4), and (5), the United States, the State of New Mexico, and local public bodies shall have the same civil adjudicatory, regulatory, and taxing jurisdiction over the Area as they exercised prior to the enactment of this Act.

(2) The Pueblo shall have exclusive civil adjudicatory jurisdiction over—

(A) disputes involving only members of the Pueblo;

(B) civil actions brought by the Pueblo against members of the Pueblo; and

(C) civil actions brought by the Pueblo against members of other federally recognized Indian tribes for violations of understandings between the Pueblo and that member's tribe regarding use or access to the Area for traditional and cultural purposes.

(3) The Pueblo shall have no regulatory jurisdiction over the Area with the exception of:

(A) exclusive authority to regulate traditional and cultural uses by the Pueblo's own members and to administer access to the Area by other federally recognized Indian tribes for traditional and cultural uses, to the extent such regulation is consistent with this Act; and

(B) The Pueblo shall have exclusive authority to regulate hunting and trapping in the Area by its members that is related to traditional and cultural purposes: Provided that any hunting and trapping conducted by Pueblo members as a traditional and cultural use within the Area, excluding that part of the Area contained within Sections 13, 14, 23, 24, and the northeast quarter of Section 25 of T12N, R4E, and Section 19 of T12N, R5E, N.M.P.M., Sandoval County, New Mexico, shall be regulated by the Pueblo in a manner consistent with the regulations of the State of New Mexico concerning types of weapons and proximity of hunting and trapping to trails and residences.

(4) The Pueblo shall have no authority to impose taxes within the Area.

(5) The State of New Mexico and local public bodies shall have no authority within the Area to tax the activities or the property of the Pueblo, its members, or members of other federally recognized Indian tribes authorized to use the Area under section 705(a)(4) of this Act.

#### **SEC. 709. SUBDIVISIONS AND OTHER PROPERTY INTERESTS.**

(a) **SUBDIVISIONS.**—The subdivisions are excluded from the Area. The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory or any other form of jurisdiction, over the subdivisions and property interests therein, and the laws of the Pueblo shall not apply to the subdivisions. The jurisdiction of the State of New Mexico and local public bodies over the subdivisions and property interests therein shall continue in effect, except that upon application of the Pueblo a tract comprised of approximately 35 contiguous, non-subdivided acres in the northern section of Evergreen Hills owned in fee by the Pueblo at the time of enactment of this Act, shall be transferred to the United States and held in trust for the Pueblo by the United States and administered by the Secretary of the Interior. Such trust land shall be subject to all limitations on use pertaining to the Area contained in this Act.

(b) **PIEDRA LISA.**—The Piedra Lisa tract is excluded from the Area notwithstanding any subsequent acquisition of the tract by the Pueblo. If the Secretary or the Pueblo acquires the Piedra Lisa tract, the tract shall be transferred to the United States and is hereby declared to be held in trust for the Pueblo by the United States and administered by the Secretary of the Interior subject to all limitations on use pertaining to the Area contained in this Act. The restriction contained in section 706(a)(4) shall not apply outside of Forest Service System trails. Until acquired by the Secretary or Pueblo, the jurisdiction of the State of New Mexico and local public bodies over the Piedra Lisa tract and property interests therein shall continue in effect.

(c) **CREST FACILITIES.**—The lands on which the crest facilities are located are excluded from the Area. The Pueblo shall have no

civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory or any other form of jurisdiction, over the lands on which the crest facilities are located and property interests therein, and the laws of the Pueblo shall not apply to those lands. The pre-existing jurisdictional status of those lands shall continue in effect.

(d) **SPECIAL USE PERMIT AREA.**—The lands described in the special use permit are excluded from the Area. The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory, or any other form of jurisdiction, over the lands described in the special use permit, and the laws of the Pueblo shall not apply to those lands. The pre-existing jurisdictional status of these lands shall continue in effect. In the event the special use permit, during its existing term or any future terms or extensions, requires amendment to include other lands in the Area necessary to realign the existing or any future replacement tram line, associated structures, or facilities, the lands subject to that amendment shall thereafter be excluded from the Area and shall have the same status under this Act as the lands currently described in the special use permit. Any lands dedicated to aerial tramway and related uses and associated facilities that are excluded from the special use permit through expiration, termination or the amendment process shall thereafter be included in the Area but only after final agency action is no longer subject to any appeals.

(e) **LA LUZ TRACT.**—The La Luz tract now owned in fee by the Pueblo is excluded from the Area and upon application by the Pueblo shall be transferred to the United States and held in trust for the Pueblo by the United States and administered by the Secretary of the Interior subject to all limitations on use pertaining to the Area contained in this Act. The restriction contained in section 706(a)(4) shall not apply outside of Forest Service System trails.

(f) **EVERGREEN HILLS ACCESS.**—The Secretary, consistent with section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210), shall ensure that Forest Service Road 333D, as depicted on the map, is maintained in an adequate condition consistent with the terms of section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210).

(g) **PUEBLO FEE LANDS.**—Those properties not specifically addressed in subsections (a) or (e) of this section that are owned in fee by the Pueblo within the subdivisions are excluded from the Area and shall be subject to the jurisdictional provisions of subsection (a) of this section.

#### (h) **RIGHTS-OF-WAY.**—

(i) **ROAD RIGHTS-OF-WAY.**—(A) In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant to the County of Bernalillo, New Mexico, in perpetuity, the following irrevocable rights of way for roads identified on the map in order to provide for public access to the subdivisions, the special use permit land and facilities, the other leasehold and easement rights and interests of the Sandia Peak Tram Company and its affiliates, the Sandia Heights South Subdivision, and the Area:

- (i) a right-of-way for Tramway Road;
- (ii) a right-of-way for Juniper Hill Road North;
- (iii) a right-of-way for Juniper Hill Road South;
- (iv) a right-of-way for Sandia Heights Road; and
- (v) a right-of-way for Juan Tabo Canyon Road (Forest Road No. 333).

(B) The road rights-of-way shall be subject to the following conditions:

(i) Such rights-of-way may not be expanded or otherwise modified without the Pueblo's written consent, but road maintenance to the rights of way shall not be subject to Pueblo consent;

(ii) The rights-of-way shall not authorize uses for any purpose other than roads without the Pueblo's written consent.

(iii) Except as provided in the Settlement Agreement, existing rights-of-way or leasehold interests and obligations held by the Sandia Peak Tram Company and its affiliates, shall be preserved, protected, and unaffected by this Act.

(2) **UTILITY RIGHTS-OF-WAY.**—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant irrevocable utility rights-of-way in perpetuity across Pueblo lands to appropriate utility or other service providers serving Sandia Heights Addition, Sandia Heights North Units I, II, and 3, the special use permit lands, Tierra Monte, and Valley View Acres, including rights-of-way for natural gas, power, water, telecommunications, and cable television services. Such rights-of-way shall be within existing utility corridors as depicted on the map or, for certain water lines, as described in the existing grant of easement to the Sandia Peak Utility Company; provided that use of water line easements outside the utility corridors depicted on the map shall not be used for utility purposes other than water lines and associated facilities. Except where above-ground facilities already exist, all new utility facilities shall be installed underground unless the Pueblo agrees otherwise. To the extent that enlargement of existing utility corridors is required for any technologically-advanced telecommunication, television, or utility services, the Pueblo shall not unreasonably withhold agreement to a reasonable enlargement of the easements described above.

(i) **FOREST SERVICE RIGHTS OF WAY.**—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant to the Forest Service the following irrevocable rights-of-way in perpetuity for Forest Service trails crossing land of the Pueblo in order to provide for public access to the Area and through Pueblo lands:

- (1) a right-of-way for a portion of the Crest Spur Trail (Trail No. 84), crossing a portion of the La Luz tract, as identified on the map;
- (2) a right-of-way for the extension of the Foothills Trail (Trail No. 365A), as identified on the map; and
- (3) a right-of-way for that portion of the Piedra Lisa North-South Trail (Trail No. 135) crossing the Piedra Lisa tract, if the Pueblo ever acquires the Piedra Lisa tract.

#### **SEC. 710. EXTINGUISHMENT OF CLAIMS.**

(a) **GENERAL.**—Except for the rights and interests in and to the Area specifically recognized in sections 704, 705, 707, 708, and 709, all Pueblo claims to right, title and interest of any kind, including aboriginal claims, in and to lands within the Area, any part thereof, and property interests therein, as well as related boundary, survey, trespass, and monetary damage claims, are hereby permanently extinguished. The United States' title to the Area is hereby confirmed.

(b) **SUBDIVISIONS.**—Any Pueblo claims to right, title and interest of any kind, including aboriginal claims, in and to the subdivisions and property interests therein (except for land owned in fee by the Pueblo as of the date of enactment of this Act), as well as related boundary, survey, trespass, and monetary damage claims, are hereby permanently extinguished.

(c) **SPECIAL USE AND CREST FACILITIES AREAS.**—Any Pueblo right, title and interest

of any kind, including aboriginal claims, and related boundary, survey, trespass, and monetary damage claims, are hereby permanently extinguished in and to

(1) the lands described in the special use permit; and

(2) the lands on which the crest facilities are located.

(d) **PUEBLO AGREEMENT.**—As provided in the Settlement Agreement, the Pueblo has agreed to the relinquishment and extinguishment of those claims, rights, titles and interests extinguished pursuant to subsection (a), (b) and (c) of this section.

(e) **CONSIDERATION.**—The recognition of the Pueblo's rights and interests in this Act constitutes adequate consideration for the Pueblo's agreement to the extinguishment of the Pueblo's claims in this section and the right-of-way grants contained in section 709, and it is the intent of Congress that those rights and interests may only be diminished by a future Act of Congress specifically authorizing diminishment of such rights, with express reference to this Act.

#### **SEC. 711. CONSTRUCTION.**

(a) **STRICT CONSTRUCTION.**—This Act recognizes only enumerated rights and interests, and no additional rights, interests, obligations, or duties shall be created by implication.

(b) **EXISTING RIGHTS.**—To the extent there exists within the Area at the time of enactment of this Act any valid private property rights associated with the Piedra Lisa tract or other private lands that are not otherwise addressed in this Act, such rights are not modified or otherwise affected by this Act, nor is the exercise of any such right subject to the Pueblo's right to withhold consent to new uses in the Area as set forth in section 705(a)(3)(i).

(c) **NOT PRECEDENT.**—The provisions of this Act creating certain rights and interests in the National Forest System are uniquely suited to resolve the Pueblo's claim and the geographic and societal situation involved, and shall not be construed as precedent for any other situation involving management of the National Forest System.

(d) **FISH AND WILDLIFE.**—Except as provided in section 708(b)(3), nothing in this Act shall be construed as affecting the responsibilities of the State of New Mexico with respect to fish and wildlife, including the regulation of hunting, fishing, or trapping within the Area.

(e) **FEDERAL LAND POLICY AND MANAGEMENT ACT.**—Section 316 (43 U.S.C. 1746) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) is amended by adding the following sentence at the end thereof: "Any corrections authorized by this section which affect the boundaries of, or jurisdiction over, lands administered by another Federal agency shall be made only after consultation with, and the approval of, the head of such other agency."

#### **SEC. 712. JUDICIAL REVIEW.**

(a) **ENFORCEMENT.**—Suit to enforce the provisions of this Act may be brought to the extent permitted under chapter 7 of title 5, United States Code. Judicial review shall be based upon the administrative record and subject to the applicable standard of review set forth in section 706 of title 5.

(b) **WAIVER.**—Suit may be brought against the Pueblo for declaratory judgment or injunctive relief under this Act, but no money damages, including costs or attorney's fees, may be imposed on the Pueblo as a result of such judicial action.

(c) **VENUE.**—Venue for any suit provided for in this section, as well as any suit to contest the constitutionality of this Act, shall lie only in the United States District Court for the District of New Mexico.



SEC. 713. EFFECTIVE DATE.

The provisions of this Act shall take effect immediately upon enactment of this Act.

SEC. 714. AUTHORIZATION OF APPROPRIATIONS AND RELATED AUTHORITIES.

(a) GENERAL.—There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act, including such sums as may be necessary for the Forest Service to acquire ownership of, or other interest in, lands within the external boundaries of the Area as authorized in subsection (d).

(b) CONTRIBUTIONS.—

(1) The Secretary is authorized to accept contributions from the Pueblo, or from other persons or governmental entities, to perform and complete a survey of the Area, or otherwise for the benefit of the Area in accordance with this Act.

(2) The Secretary shall complete a survey of the Area within one year of the date of enactment of this Act.

(c) LAND EXCHANGE.—Within 180 days after the date of enactment of this Act, after consultation with the Pueblo, the Secretary is directed in accordance with applicable laws to prepare and offer a land exchange of National Forest lands outside the Area and contiguous to the northern boundary of the Pueblo's Reservation within sections 10, 11, and 14 of T12N, R4E, N.M.P.M., Sandoval County, New Mexico excluding Wilderness land, for lands owned by the Pueblo in the Evergreen Hills subdivision in Sandoval County contiguous to National Forest land, and the La Luz tract in Bernalillo County. Notwithstanding section 206(b) of the Federal Land Policy and Management Act (43 U.S.C. 1716(b)), the Secretary may either make or accept a cash equalization payment in excess of 25 percent of the total value of the lands or interests transferred out of Federal ownership. Any funds received by the Secretary as a result of the exchange shall be deposited in the fund established under the Act of December 4, 1967, known as the Sisk Act (16 U.S.C. 484a), and shall be available to purchase non-Federal lands within or adjacent to the National Forests in the State

of New Mexico. All lands exchanged or conveyed to the Pueblo are hereby declared to be held in trust for the Pueblo by the United States and added to the Pueblo's Reservation subject to all existing and outstanding rights and shall remain in their natural state and shall not be subject to commercial development of any kind. Lands exchanged or conveyed to the Forest Service shall be subject to all limitations on use pertaining to the Area under this Act. If the land exchange offer is not made within 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives, a report explaining the reasons for the failure to make the offer including an assessment of the need for any additional legislation that may be necessary for the exchange. If additional legislation is not necessary, the Secretary, consistent with this section, should proceed with the exchange pursuant to existing law.

(d) LAND ACQUISITION.—(1) The Secretary is authorized to acquire lands owned by the Pueblo within the Evergreen Hills Subdivision in Sandoval County or any other privately held lands inside of the exterior boundaries of the Area. The boundaries of the Cibola National Forest and the Area shall be adjusted to encompass any lands acquired pursuant to this section.

(2) In the event the Pueblo acquires the Piedra Lisa tract, the Secretary shall compensate the Pueblo for the fair market value of:

(A) the right-of-way established pursuant to section 709(i)(3); and

(B) the conservation easement established by the limitations on use of the Piedra Lisa tract pursuant to section 709(b).

(e) REIMBURSEMENT OF CERTAIN COSTS.—

(1) The Pueblo, the County of Bernalillo, New Mexico, and any person who owns or has owned property inside of the exterior boundaries of the Area as designated on the map, and who has incurred actual and direct costs as a result of participating in the case of

Pueblo of Sandia v. Babbitt, Civ. No. 94-2624 HHG (D.D.C.), or other proceedings directly related to resolving the issues litigated in that case, may apply for reimbursement in accordance with this section. Costs directly related to such participation which shall qualify for reimbursement shall be—

(A) dues or payments to a homeowner association for the purpose of legal representation; and

(B) legal fees and related expenses.

(2) The reimbursement provided in this subsection shall be in lieu of that which might otherwise be available pursuant to the Equal Access to Justice Act (24 U.S.C. 2412).

(3) The Secretary of the Treasury is authorized and directed to make reimbursement payments as provided in this section out of any money not otherwise appropriated.

(4) Applications for reimbursement shall be filed within 180 days of the date of enactment of this Act with the Department of the Treasury, Financial Management Service, Washington, D.C.

(5) In no event shall any one party be compensated in excess of \$750,000 and the total amount reimbursed pursuant to this section shall not exceed \$3,000,000.

PRIVILEGE OF THE FLOOR

Mr. CLELAND. I ask unanimous consent that my press secretary, Patricia Murphy, be admitted to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that privileges of the floor be granted to Ross Arends, a detailee in the office of Senator KOHL, during the pendency of the homeland security bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the

Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and

select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John McCain:									
United States	Dollar				6,409.34				6,409.34
Romania	Dollar		380.00						380.00
Georgia	Dollar		232.00						232.00
Croatia	Dollar		209.00						209.00
Bosnia	Dollar		184.00						184.00
Slovenia	Dollar		209.00						209.00
Dan Twining:									
United States	Dollar				6,955.34				6,955.34
Romania	Dollar		425.00						425.00
Georgia	Dollar		220.00						220.00
Croatia	Dollar		292.00						292.00
Bosnia	Dollar		196.00						196.00
Slovenia	Dollar		355.00						355.00
Maren Leed:									
United States	Dollar				5,871.07				5,871.07
Germany	Euro		470.80		60.00		13.00		543.80
Italy	Euro		110.75				18.00		128.75
Joseph T. Sixeas:									
United States	Dollar				3,696.00				3,696.00
Italy	Euro		110.75						110.75
Germany	Euro		220.00						220.00
Ambrose R. Hock:									
United States	Dollar				3,187.83				3,187.83
South Korea	Won		1,002.86						1,002.86